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CONTENTS.

Editorials:

Mental Anguish in False Imprisonment Actions (page 289)——A Juror's Suit for Damages (page 290)——Breach of Covenant of Seisin by Mere Delivery of Deed (page 290)——A Peculiar Decision (page 290)——The Vesting of a Devised Estate as Dependant upon Death of Beneficiary (page 291)——A Partner's Right to an Accounting After an Assignment of His Claim (page 292)——The Employer's Liability Act (page 293)——A Startling Attempt to Extend the "Causa Proxima" Rule (page 293)——The Miscalled "Right of Privacy" (page 293)——No Reciprocity Between New York and New Jersey (page 296)

A Review of Legislation for the Year 1901:

"Taxation on Mortgages," by Frederick N. Judson 296
"The Inheritance Tax," by Max West, Ph.D. .. 298
"Taxation of Business Corporations," by John Henry Hammond, LL.B. 299
"Taxation of Public Service Corporations," by Robert H. Whitten 300
"General Business Corporations," by Frederick L. Stimson, Ll.B. 301
"Building and Loan Associations," by William W. Thornton, LL.B. 303
Recent Bankruptcy Decisions 306
Bar and Law Library Associations 307
The Bar at Large 310
The New York City Bar 312
Book Reviews 313
Law Schools 316
Recent Deaths 320
Commercial Laws Tabulated 320
Laws of Grace and Damages on Protested Bills 321
Of Interest to Corporations 322
List of Commercial Attorneys 323
Special List of Attorneys 333

MENTAL ANGUISH IN FALSE IMPRISONMENT ACTION.

Their honors of the Supreme Court of Iowa (Flam v. Lee, 90 N. W. 70), appear to entertain somewhat liberal views as to the testimony permissible to enhance the damages in false imprisonment actions. The plaintiff was permitted to show that at the time of the arrest he was living at home with his parents; that his mother was in poor health; and that upon the sheriff making known his purpose to arrest her son she fainted or was prostrated by the shock, and that plaintiff was thereby caused to suffer great distress of mind. It was urged that this ruling, in effect, permits the plaintiff to recover damages for injuries sustained by his mother. "We do not so view it," says the court. "Plaintiff's recovery must be restricted, of course, to the injuries suffered by himself. But the principal basis of recovery in most actions of this kind is the mental suffering and anguish arising from the wrongful charge and arrest, and, if the arrest be made in the presence of one's family or friends bringing him into shame and humiliation before them, it is a proper matter to be considered as bearing upon the pain inflicted upon him. If, then, in addition to the indignity of his arrest, he sees, as the effect of each act, his wife or mother fall in a faint, and he is forced to leave her in such prostrate and suffering condition, we see no reason why this increased pain, which naturally follows such a situation, shall not be an element in assessing his damages, if he is found entitled to recover at all. It is not a recovery of damages sustained by the mother that is asked or allowed, but the condition and sickness of the mother, from whom plaintiff was forcibly removed, are among the facts and circumstances immediately surrounding the arrest, and were properly shown, as bearing upon the suffering which he has been made to undergo on account of his alleged wrongful prosecution."

Plaintiff was also allowed, over defendant's objection, to describe to the jury the place in which he was confined, the manner in which his mind was affected by the experience, and that certain other prisoners called him by name, and asked him, "What in hell are you doing here?" It may be conceded that so much of this testimony as repeats what was said to him by a fellow prisoner is incompetent and immaterial, but the court said that it could not conceive it possible that it could have had any influence upon the verdict of the jury, or that the error in admitting it was prejudicial. The facts that plaintiff was placed in the jail, and that he was hemmed in by iron bars, and surrounded by the usual gloomy and depressing features which are characteristic of prisons, were proper to be called to the attention of the jury. "Not that any neglect or any abuse of power by the sheriff would be chargeable to the defendant. Such we do not understand to be the purpose or effect of the testimony. No such abuse or neglect is alleged, but it must be presumed that in causing plaintiff's arrest on charge of a grave crime defendant contemplated his possible or probable confinement, and that in such confinement he would have the surroundings and receive the treatment and fare which are inseparable from

prison experience. If, for instance, the sheriff instead of putting plaintiff in jail had entertained him at his own home, as a trusted friend or guest, it would have been a fact which the defendant could properly have shown in mitigation of damages. Why, then, should the jury not be made acquainted with the usual and necessary characteristics of the entertainment which a jail affords, in order that they may determine for themselves whether plaintiff's detention there can reasonably be said to have occasioned the discomforts of mind or body of which he complains?"

In this same connection may be taken up the objections raised to plaintiff's attempt to describe his mental suffering while in custody. Here it is said: "We know of no rule of law which prohibits such testimony. It is true, perhaps, the jury may properly be left to infer such sufferings from the circumstances of his situation, and it is also true that the average witness finds it difficult to describe mental conditions in apt terms. But does it follow that such description, when made, is not proper evidence? If a man who has been wrongfully prosecuted for crime feels a sense of shame and humiliation that such a charge should be laid at his door, or that he has been disgraced in the eyes of his neighbors and friends, or is tormented with fear that his incarceration in jail may bring sorrow and disgrace to his home, we think he should be permitted to say it."

A JUROR'S SUIT FOR DAMAGES.

The past few months have been prolific in weird and startling cases of novel impression, among which appears the suit of Mr. Manheim Brown against the city of New York. Plaintiff was one of the jurors in the celebrated Molineux case. He asserts that his health has been permanently shattered by reason of gross neglect on the part of the court officials to provide him with reasonable conveniences and proper care, and that, although his physician certified to his condition, he was compelled to walk in the pouring rain and to suffer other exposures, as the result of which he is now permanently unfitted for engaging in business or any other occupation. He therefore demands such pecuniary compensation from the city (averred to be $50,000) as shall indemnify him for the injury said to have been done him by the negligence of the officials who were in charge of the jury of which Mr. Brown was a member.

Of course, it may be argued that Mr. Brown was performing a public duty and that the State cannot properly be held responsible for injuries received in its service. Still, it must be confessed that our sympathies are on the side of the plaintiff. It seems to be regarded as the proper etiquette nowadays to treat jurymen as though they were convicted felons. In the present instance the trial lasted for nine weeks. During that time the twelve good men and true were huddled together all day in a stuffy courtroom, compelled to listen to the long drawn out arguments of counsel and the testimony of medical witnesses, bristling with scientific terms, 75 per cent. of which testimony we are prepared to wager they, as plain, ordinary men of business, possessed only the faintest ability to grasp. The wonder is not that one of them became ill, but that all did not. Yes, while, of course, the chances are all against plaintiff's success, we hope he'll win.

BREACH OF COVENANT OF SEISIN BY MERE DELIVERY OF DEED.

"Though a covenant of seisin is broken by the delivery of the deed, unless the grantor has good title the breach is only technical, and a cause of action for substantial damages does not accrue, or limitation commence to run, till the grantee has received some substantial injury." Such was the view entertained by the Supreme Court of Iowa (Foshay v. Shafer, 49 N. W. 1106), sustained by a multitude of precedents. (Nosler v. Hunt, 18 Iowa, 212; Boon v. McHenry, 55 Iowa, 202, 7 N. W. 503; Hencke v. Johnson, 62 Iowa, 555, 17 N. W. 766; Norman v. Winch, 65 Iowa, 263, 21 N. W. 598.) Certain cases apparently to the contrary are in reality easily distinguishable. In Brandt v. Foster, 5 Iowa, 287, 294, the grantor had no title, and, to avoid eviction, the covenantee had purchased the paramount title. In Shorthill v. Ferguson, 44 Iowa, 249; Mitchell v. Kepler, 75 Iowa, 207, 39 N. W. 241, and Zent v. Picken, 54 Iowa, 535, 6 N. W. 750, the covenantees never acquired possession. There are numerous decisions elsewhere to the effect that the full consideration paid, with interest, may be recovered immediately upon the breach of the covenant, but Iowa is committed to the doctrine that no more than nominal damages may be had so long as the grantee remains in possession without actual injury. The cases adhering to each view will be found collected in 8 Am. & Eng. Enc. Law, 186.

A PECULIAR DECISION.

On May 29 the Supreme Court of California in People v. Burns (69 Pac. 16) proceeded to render a decision upon a state of facts which almost entitles the case to the dignity of a cause celebre. It seems that the Penal Code of the Gold State provides that where a defendant is convicted of robbery and prior convictions are proven against him, his punishment shall be fixed at imprisonment for life. Another section of the code enacts that an attempt to commit a crime shall meet with half the punishment prescribed for the successfully accomplished offense. So much for the law involved. The presiding judge before whom defendant was convicted of an attempt to commit robbery, being an individual of a logical turn of mind, proceeded to consult certain mortality tables used by life insurance companies in the conduct of their business, and, taking into consideration defendant's present age (his sound physical condition being an admitted fact), concluded that the remainder of his natural life would amount to 38 years, and thereupon sentenced him to 19 years in the State prison. The appellate court, however, announced itself as "well satisfied that the practice here followed cannot be sanctioned." Incidentally it proceeded to indulge in a little judicial hair-splitting. "The trial court," so their appellate honors say, "fixed the penalty upon the basis of an average life, and sentenced him to imprisonment for one-half of the period of an average life; yet the law declares the imprisonment should be for a period of one-half of the defendant's life. These mortality tables indi-

cate averages, and that fact alone proves that a variable proportion of the men coming within any particular class die before the age fixed as the average, and the remainder die after the age so fixed. As to the particular period of time covering the balance of defendant's life, the court knew nothing, and, in the nature of things, could know nothing. Hence the period of 19 years fixed as a penalty is based upon mere conjecture, and the judgment following it cannot be upheld. It is evident that the penalty prescribed by the law, namely, one-half of life, as a punishment for a crime of the class here involved, is so vague and indefinite as to be impossible of enforcement; and the statute providing a penalty of that kind is void for that reason."

Take it all in all, the opinion of Judge Garruth is well worth reading, particularly at the end, wherein, waxing eloquent, he declares that the conflicting enactments "leave the law in this respect clothed in the garb of an intricate Chinese puzzle," as charming an example of mixed metaphor as has been our fortune to meet with for some time. After this murderous assault upon the King's English it is submitted that even the celebrated "I smell a rat, I see it in the air, I shall nip it in the bud" will have to take a back seat.

THE VESTING OF A DEVISED ESTATE AS DEPENDANT UPON DEATH OF BENEFICIARY.

The New York Court of Appeals were recently called upon (In re Cramer, 170 N. Y. 271) to construe that much interpreted testamentary clause referring to a devise over upon the death of the first beneficiary. In the present instance the testatrix had bequeathed and devised all her property, personal and real, to her two great-grandchildren, Grace and Myrtle, with a provision, however, that in the event of the death of either without heirs the share of the decedent should go to the survivor. Testatrix died in 1899 and her great-grandchild, Grace, in 1900. Hence arose the query whether the property is to be distributed between Myrtle and the heirs of Grace, or should it go entirely to the former? In other words, and as put by the Appellate Division:

"Did the property of Gennet T. Gurnsey, under the said will, vest in Grace E. Cramer and Myrtle Cramer, at the death of said Gennet T. Gurnsey, so that upon the subsequent death of Grace E. Cramer such property would descend and be distributable as the property of Grace E. Cramer, intestate, and not as the property of or under the will of said Gennet T. Gurnsey, and without reference thereto."

The well-established general rule of construction was invoked that where there is a devise to one person in fee and in case of his death to another, the contingency referred to is the death of the first-named devisee during the lifetime of the testator, and that if such devisee survives the testator he takes an absolute fee.

This rule is, however, subject to several important exceptions, one of which is, that it has no application if the will contains language from which a contrary intention on the part of the testator can be ascertained.

In Vanderzee v. Slingerland (103 N. Y. 47, 55), Judge Andrews, referring to this rule and an amplification thereof, said: "But the rule established by the courts applies only where the context of the will is silent, and offers no indication of intention other than that disclosed by words of absolute gift, followed by a gift over in case of death, or of death without issue, or other specified event. Indeed, the tendency is to lay hold of slight circumstances in a will to vary the construction and to give effect to the language according to its natural import. (Buel v. Southwick, 70 N. Y. 581; Nellis v. Nellis, 99 N. Y. 505; Hennessy v. Patterson, 85 N. Y. 91, 92.) In these and other cases which might be cited, the court found in the context indications of intentions which took them out of the operation of the rule to which we have referred." To the same effect is Meade v. Maben (131 N. Y. 255, 259); Stokes v. Weston (142 N. Y. 433, 437) and Benson v. Corbin (145 N. Y. 351, 359). In the case last referred to, Judge Finch, in commenting on this rule, said: "While such is the general rule, it is said to maintain its hold somewhat weakly and with a doubtful grasp, and to yield easily to any fact or circumstance indicating a different intention."

We come then to the important and decisive question, whether this clause of the will, creating the contingency, refers to a death in the lifetime of the testatrix or a death before or after that event.

It is to be observed at the outset, in construing this clause, that the testatrix was providing as to the disposition of her entire property, real and personal, in the event one of her great-grandchildren named should die leaving the other surviving. This is the circumstance which renders her intention perfectly clear. When she declares in that event the survivor should take if the one dying left no "heir or heirs," she could not have used the words "heir or heirs" in their primary or broader sense as indicating the persons who would take in case of intestacy, but must have employed them in the restricted sense as heirs of the body or descendants, for the very obvious reason that the "survivor" would be an heir of the deceased and could not have been within the contemplation of the testatrix. Such a construction would render the clause meaningless and absurd. This restricted meaning is given to the words "heir or heirs" when the will discloses the intention to so use them. (Johnson v. Brasington, 156 N. Y. 181, 185.)

The obvious intention of this testatrix was to leave her entire estate to Grace and Myrtle, and if at any time, before or after her death, either Grace or Myrtle died leaving the other surviving, and without "heir or heirs" of her body, the survivor should take. The testatrix undoubtedly looked forward to a time when these young girls might attain womanhood, marry and have children, in which event the property of the one first dying, which came from testatrix, should go to her children and not to her surviving sister.

In the brief will before us, it is very clear that the testatrix selected these two great-grandchildren and the heirs of their bodies as the sole objects of her bounty.

It follows that the estate, both personal and real, vested in Grace and Myrtle, contingently, on the death of testatrix, subject to being divested and disposed of under the clause we have construed.

Myrtle Cramer was, therefore, held entitled to the entire estate, real and personal, which her sister Grace took under the will of her great-grandmother.

A PARTNER'S RIGHT TO AN ACCOUNTING AFTER AN ASSIGNMENT OF HIS CLAIM.

A partnership existed between the firm of Mellor & Fenton and John T. Smither for the purpose of dealing in cotton. Mellor & Fenton had prepared an account of their partnership dealings during certain periods, and sent it to Smither. He having made no objection to the account, they transferred it to Hughes, who brought suit in the New York courts as upon an account stated. Smither defended on the ground that the account between him and Mellor & Fenton had not been stated. It was decided that the action at law on the account would not lie, and the suit was dismissed without prejudice to the right to sue for an accounting. (Hughes v. Smithers, 23 App. Div. 590, 49 N. Y. Supp. 115, 163 N. Y. 553, 57 N. E. 1112.) After the dismissal of the action at law by the Supreme Court of New York, and pending an appeal, suit was begun in the U. S. Circuit Court for the Northern District of Texas by Mellor, surviving partner of Mellor & Fenton, against Smither, making Hughes also a party, for an accounting of the partnership transactions. Smither demurred to the bill, claiming that the assignment of the stated account to Hughes left no right of action in Mellor for an accounting. The demurrer was sustained, but leave given to file a supplemental bill. An amended and supplemental bill was then filed, to which the defendant renewed his demurrers, which demufrers the lower court sustained. The Circuit Court of Appeals for the Fifth Circuit, however, reversed this decision. (Mellor v. Smither, 114 Fed. 116.)

It is a general rule that when a partnership is ended, or where grounds for its dissolution exist, the right of a partner to maintain a bill is undoubted. As said by the text writers: "The right of every partner to have an account from his copartners of their dealings and transactions is too obvious to require comment." (George, Partn. section 142.) Smither contended in the litigation at law in New York that the account had not been stated between him and Mellor and Fenton. The accounts not having been settled, the right to have them stated certainly existed after the assignment either in Mellor & Fenton, or in Hughes, or in both. Smither could not successfully contend that the assignment transferred no account stated, and yet that it had the effect of destroying the right as against him to secure a statement of the account. Whether or not the assignment conferred such rights on Hughes that he could have sued in equity for an accounting we need not consider. We have here to deal only with the question of Mellor's right to have an accounting, notwithstanding the assignment. It is stated by more than one learned author that a partner, after he had parted with his entire interest in the partnership, was entitled to an accounting. Lindley says: "If a partner's share is taken in execution, the purchaser from the sheriff is entitled to an account from the solvent partner, as is also the execution debtor himself." (2 Lindl. Partn., sec. 493.) This is quoted with approval in George, Partn., sec. 142. Bates, also, maintains the right of the partner whose interest in the firm has been sold under execution to have an accounting, but he says this is true, "for he may still have an interest, inasmuch as the sheriff cannot sell book debts." (2 Bates, Partn., sec. 28.) In Habershon v. Blurton (1 De Gex & S. 121), a case very often quoted by text writers, the sheriff under execution took possession of and sold "all the share and interest of the said Charles Habershon, as partner, with one John Blurton, of and in," etc.; describing the partnership property. Habershon after this sale by the sheriff filed a bill against his former partner, Blurton, for an accounting, and the point was made against the bill that he had no interest, his share having been sold by the sheriff. The vice-chancellor sustained the bill, and allowed the accounting "notwithstanding * * * the seizure by the sheriff and the language of the assignment by him."

In Ketcham v. Durkee (1 Hoff. Ch. 538), the court said that "a partner has a right to file a bill for a settlement of the affairs of the firm and a due application of the assets, even after an absolute transfer by himself to his copartner of the property charged with the debts."

We do not find that the Supreme Court of the United States has ever decided this question. The case of Fourth Nat. Bank of New York v. New Orleans & C. R. Co. (11 Wall. 624, 20 L. Ed. 82) is, however, very instructive, as discussing principles necessarily involved in this suit. One Graham in that case made an assignment of an interest held by him in a partnership. The court said that "the words of the assignment were very broad." It purported to transfer all of the estate, right, title and interest which Graham had in a certain lease, and also all his right, title and interest in any property and effects of the partnership, and all debts due to him from the partnership or any member thereof. In a bill filed by the assignee of Graham's right, which involved a settlement of a partnership, the court held that Graham, the assignor, was a necessary party; that the only effect of the assignment was to transfer any interest that Graham might have after a proper settlement of the partnership. The case could not proceed without Graham as a party, although he had assigned his interest in the partnership. This case, and others that we have cited, strongly indicate that a partner, even after he has transferred all of his interest in a partnership, would not lose the right to have a settlement in equity of the partnership accounts. (See, also, Hoxie v. Carr, supra.)

The assignment under consideration here, however, does not purport to transfer all the right, title and interest of Mellor & Fenton in the partnership with Smither. It purports only to transfer a stated account relating to certain periods embraced within the partnership. Smither has successfully contended that the account was not stated, and that no right of action on it as a stated account passed to the assignee. The amended and supplemental bill shows that Hughes prior to his death disclaimed any right or interest in the claim for an accounting asserted here, and that since his death his executors (after the original bill was filed) have formally released and transferred to the plaintiff the alleged stated account against the defendant. If the averments of the bill are true—and they are so considered on demurrer—the defendant on settlement owes the plaintiff $21,982.50. The claim for this sum cannot be asserted at law. The partnership accounts must be adjusted in equity. Hughes' representatives (like Hughes in his lifetime) disclaim any right to proceed to have the account stated. We cannot think that an ineffectual

effort of one partner to state and assign an account against the other partner defeats the right of the former to have an accounting. The right to have an accounting of the partnership transaction remained in the plaintiff's firm, notwithstanding the assignment to Hughes. The disclaimer of Hughes, his death and the formal release by his executors of his apparent interest, though not necessary to show a right of action in the plaintiff, are properly brought before the court in the amended and supplemental bill. These facts show that the defendant will not be called on to settle with Hughes' representatives after his settlement with the plaintiff; that any sum which he may owe, if it be found that he owes anything, is due to the plaintiff.

THE EMPLOYERS' LIABILITY ACT.

One of the most important acts passed this year in any of the State legislatures is the Slater bill, or Chap. 600 of the 1902 Laws of New Yrk. This undertakes to extend and regulate the liability of employers for personal injuries suffered by employees. The main feature is that the "fellow servant" defense is entirely swept away where the act of negligence, either of commission or omission, is that of an employee "entrusted with and exercising superintendence, or, in the absence of such superintendent, of any person acting as superintendent with the authority or consent" of the employer. In such a case the injured employee's right of compensation and remedies against the employer is the same "as if the employee had not been an employee of, nor in the service of, the employer, nor engaged in his work." Another and an important provision of the act is its definition of the necessary risks of the occupation or employment which an employee shall be presumed to have assented to "as including those risks, and those only, inherent in the nature of the business which remain after the employer has exercised due care in providing for the safety of his employees, and has complied with the laws affecting or regulating such business or occupation for the greater safety of such employees."

A STARTLING ATTEMPT TO EXTEND THE CAUSA PROXIMA RULE.

From its very nature, the principle of causa proxima is bound to be exceedingly difficult of application. We have always considered the rule a pretty elastic one, but truly the attempt recently made in Minnesota (Schreiner v. Gt. Northern Ry. Co. 90 N. W. 400) demonstrates that there is a breaking point. It seems that plaintiff, who was walking over a railroad track upon which a train was approaching, stepped therefrom to avoid a collision, but at the particular moment when the train was passing the spot he was pushed back upon the rails by a stray cow which was pasturing on the right of way. His attorneys contended that the failure of the company to fence the right of way was the proximate cause of the injury, but the Supreme Court of Minnesota, after admitting they could find no parallel case as a precedent, determined that the cow, and not the failure to fence, was the proximate cause.

THE MISCALLED RIGHT OF PRIVACY.

We say "miscalled," for it is painfully evident from the decision of the New York Court of Appeals in Robinson v. Rochester Folding Bed Co., rendered on June 27, that the ordinary citizen, man or woman, has absolutely no redress against the machinations of any advertising agent who, with a sense of delicacy equal to that of an elephant, may choose to utilize the picture of any reputable and retiring member of the community as a method of advertising wares, chattels and merchandise. In brief, the complaint alleged that defendant, a mill company, had, without the plaintiff's knowledge or consent, obtained her photograph and was printing her likeness upon its advertising bills; that above her photograph was printed the words, "Flour of the Family" and below it the name of a brand of flour and of the defendant's mills; that this had humiliated her and caused her mental distress and sickness. An injunction and damages were asked for, but denied by a divided court of four judges to three.

"The so-called right of privacy," says Parker, Ch. J., in writing the opinion, "is, as the phrase suggests, founded upon the claim that a man has the right to pass through this world, if he wills, without having his picture published, his business enterprises discussed, his successful experiments written up for the benefit of others, or his eccentricities commented upon either in handbills, circulars, catalogues, periodicals or newspapers, and, necessarily, that the things which may not be written and published of him must not be spoken of him by his neighbors, whether the comment be favorable or otherwise. While most persons would much prefer to have a good likeness of themselves appear in a responsible periodical or leading newspaper rather than upon an advertising card or sheet, the doctrine which the courts are asked to create for this case would apply as well to the one publication as to the other, for the principle which a court of equity is asked to assert in support of a recovery in this action is that the right of privacy exists and is enforceable in equity, and that the publication of that which purports to be a portrait of another person, even if obtained upon the street by an impertinent individual with a camera, will be restrained in equity on the ground that an individual has the right to prevent his features from becoming known to those outside of his circle of friends and acquaintances.

"If such a principle be incorporated into the body of the law through the instrumentality of a court of equity, the attempts to logically apply the principle will necessarily result not only in a vast amount of litigation, but in litigation bordering upon the absurd, for the right of privacy, once established as a legal doctrine, can not be confined to the restraint of the publication of a likeness, but must necessarily embrace as well the publication of a word-picture, a comment upon one's looks, conduct, domestic relations or habits. And were the right of privacy once legally asserted it would necessarily be held to include the same things if spoken instead of printed, for one, as well as the other, invades the right to be absolutely let alone. An insult would certainly be in violation of such a right and with many persons would more seriously wound the feelings than would the publication of their picture. And so we might add to the

list of things that are spoken and done day by day which seriously offend the sensibilities of good people to which the principle which the plaintiff seeks to have embedded in the doctrine of the law would seem to apply. I have gone only far enough to barely suggest the vast field of litigation which would necessarily be opened up should this court hold that privacy exists as a legal right enforceable in equity by injunction, and by damages where they seem necessary to give complete relief."

The history of the phrase "right of privacy" in this country seems to have begun in 1890, in a clever article in the "Harvard Law Review"—already referred to—in which a number of English cases were analyzed, and, reasoning by analogy, the conclusion was reached that—notwithstanding the unanimity of the courts in resting their decisions upon property rights in cases where publication is prevented by injunction—in reality such prevention was due to the necessity of affording protection to thoughts and sentiments expressed through the medium of writing, printing and the arts, which is like the right not to be assaulted or beaten; in other words, that the principle, actually involved though not always appreciated, was that of an inviolate personality, not that of private property.

This article brought forth a reply from the "Northwestern Review" (Vol. 3, p. 1), urging that equity has no concern with the feelings of an individual or with considerations of moral fitness, except as the inconvenience or discomfort which the person may suffer is connected with the possession or enjoyment of property, and that the English authorities cited are consistent with such view. Those authorities are now to be examined in order that we may see whether they were intended to and did make a departure from the established rule which had been enforced for generations; or, on the other hand, are entirely consistent with it.

The first case is Prince Albert v. Strange (1 Macn. & G., 25 2 De G. & S. 652). The queen and the prince, having made etchings and drawings for their own amusement, decided to have copies struck off from the etched plates for presentation to friends and for their own use. The workman employed, however, printed some copies on his own account, which afterwards came into the hands of Strange, who purposed exhibiting them, and published a descriptive catalogue. Prince Albert applied for an injunction as to both exhibition and catalogue, and the vice-chancellor granted it, restraining defendant from publishing, "at least by printing or writing, though not by copy or resemblance," a description of the etchings. An examination of the opinion of the vice-chancellor discloses that he found two reasons for granting the injunction, namely, that the property rights of Prince Albert had been infringed, and that there was a breach of trust by the workman in retaining some impressions for himself. The opinion contained no hint whatever of a right of privacy separate and distinct from the right of property.

Pollard v. Photographic Co. (L. R. 40, Ch. Div. 345) is certainly not an authority for granting an injunction on the ground of threatened injury to the feelings, although it is true, as stated in the opinion of the Appellate Division, that the court did say in the course of the discussion that the right to grant an injunction does not depend upon the existence of property; but the decision was, in fact, placed upon the ground that there was a breach of an implied contract. The facts, briefly stated, were that a photographer had been applied to by a woman to take her photograph, she ordering a certain number of copies, as is usual in such cases. The photographer made copies for himself and undertook to exhibit them, and also sold copies to a stationer, who used them as Christmas cards. Their action was restained by the court on the ground that there was an implied contract not to use the negative for any other purpose than to supply the sitter with copies of it for a price. During the argument of plaintiff's counsel, the court asked this question: "Do you dispute that if the negative likeness were taken on the sly the person who took it might exhibit copies?" Counsel replied: "In that case there would be no consideration to support a contract."

In Gee v. Pritchard (Swanst. 402), B. attempted to print a private letter written him by A., and he was restrained on the ground that the property of that private letter remained in A., B. having it only for the qualified purpose for which it was sent to him, the basis of the decision, therefore, being the idea of plaintiff's property in the thing published, as being the product of his mind, written by him and put into the hands of B. for a limited purpose only.

The same judge, Lord Eldon, also granted the injunction in Abernathy v. Hutchinson (3 L. J., Chan. 209) restraining the publication in the "Lancet" of lectures delivered at a hospital by the plaintiff. The court expressed a doubt in that case whether there could be property in lectures which had not been reduced to writing, but granted the injunction on the ground that it was a breach of confidence on the part of a pupil who was admitted to hear the lectures to publish them, inasmuch as they were delivered for the information of the pupils and not for sale and profit by them.

Mayall v. Highbey (1 H. & C. 188) was also a case where an injunction was granted and nominal damages awarded on the ground that plaintiff had a property right in certain photographic negatives which he had loaned to a person who subsequently became insolvent and whose assignee, without right, sold them to defendant, who printed copies of them which he published and sold.

In Duke of Queensbury v. Shebbeare (2 Eden, 329), the Earl of Clarendon delivered to one Gwynne an original manuscript of his father's, "Lord Clarendon's History." Gwynne's administrator afterwards soid it to Shebbeare, and the court, upon the application of the personal representatives of Lord Clarendon, restrained its publication on the ground that they had a property right in the manuscript which it was not intended that Gwynne should have the benefit of by multiplying the number of copies in print for profit.

In not one of these cases, therefore, was it the basis of the decision that the defendant could be restrained from performing the act he was doing or threatening to do on the ground that the feelings of the plaintiff would be thereby injured; but, on the contrary, each decision was rested either upon the ground of breach of trust or that plaintiff had a property right in the subject of litigation which the court could protect.

A more recent English case, decided in 1898. is more nearly in point and negatives the contention that plaintiff may restrain an unauthorized publication which is offensive to him—namely, Dockrell v. Dougall (78 L. T. R. 40). In that case defendant, the owner of a medicine called "Sallyco," published the following substantially true but unauthorized state-

ment about plaintiff: "Dr. Morgan Dockrell, physician to St. John's Hospital, London, is prescribing Sallyco as an habitual drink. Dr. Dockrell says nothing has done his gout so much god." In the course of the opinion the court said, in effect, that plaintiff claimed to be entitled to an injunction restraining defendant from using plaintiff's name in his advertisements on the ground that an injunction should be granted in every such case where it can be shown that the use of the plaintiff's name is unauthorized and is calculated to injure him in his profession, and after saying that he did not think that this was right, he stated the proper rule to be that "In order that an injunction may issue to restrain a defendant from using a plaintiff's name, the use of it must be such as to injure the plaintiff's reputation or property."

None of the other English cases brought to our attention are claimed to have a direct bearing upon this question, and it seems to us very clear that they do not in anywise support the position of plaintiff.

The case that seems to have been more relied upon than any other by the learned Appellate Division in reaching the conclusion that the complaint in this case states a cause of action is Schuyler v. Curtis (147 N. Y. 434). In that case certain persons attempted to erect a statue or bust of a woman no longer living, and one of her relatives commenced an action in equity to restrain such erection, alleging that his feeling and the feeling of other relatives of deceased would be injured thereby. At special term an injunction was granted on that ground (19 N. Y. Supp. 264). The general term affirmed the decision (64 Hun. 594). This court reversed the judgment, Judge Peckham writing, and so far as the decision is concerned, therefore, it is not authority for the existence of a right of privacy which entitles a party to restrain another from doing an act which, though not actionable at common law, occasions plaintiff mental distress.

There are two other cases in this State bearing upon this question: Marks v. Jaffa, 26 N. Y. Supp. 908, decided at special term, and Murray v. Gast Lithographic and Engraving Co., 8 Misc. Rep. 36, decided at an equity term of the Court of Common Pleas at New York. In the first case the relief prayed for was granted upon the authority of the decision of the general term in the Schuyler case, which was subsequently reversed in this court. In the Murray case, in a well-reasoned opinion by Judge Bischoff, it is held that a parent can not maintain an action to enjoin an unauthorized publication of the portrait of an infant child, and for damages for injuries to his sensibilities caused by the invasion of his child's privacy, because "the law takes no cognizance of a sentimental injury, independent of a wrong to person or property."

Outside of this jurisdiction the question seems to have been presented in two other cases in this country: Corliss v. E. W. Walker Co. (57 Fed. Rep. 434, 64 Fed. Rep. 280) and Atkinson v. Doherty (121 Mich. 372). The Corliss case was an action in equity to restrain the publication of the biography and picture of Mr. Corliss. It was based upon an alleged invasion of the right of privacy. The court denied the injunction as to the publication of the biography, but granted it as to the use of certain plates from which the defendant was to make a picture of Mr. Corliss, upon the ground that they had been obtained upon conditions which defendant had not complied with. In the course of the opinion the court said: "Under our laws one can speak and publish what he desires, provided he commit no offense against public morals or private reputation. * * * There is another objection which meets us at the threshold of this case. The subject matter of the jurisdiction of a court of equity is civil property, and injury to property, whether actual or prospective, is the foundation on which its jurisdiction rests. (Re Sawyer, 124 U. S. 200, 210; Kerr. Inj., 2d Ed., p. 1). It follows from this principle that a court of equity has no power to restrain a libelous publication." Both the opinion and the decision necessarily negative the existence of an actionable right of privacy; but, subsequently, upon a motion to dissolve the injunction, which was granted upon the ground that Mr. Corliss was a public character, and hence the publishers were entitled to use his picture, the learned court expressed the opinion that a private individual has the right to be protected from the publication of his portrait in any form. Now, while this suggestion was obiter, it merits discussion, and an examination of that which it promulgates as doctrine discloses what we deem a fatal objection to the establishment of a rule of privacy. The learned judge says: "I believe the law to be that a private individual has a right to be protected in the representation of his portrait in any form; that this is a property as well as a personal right, and that it belongs to the same class of rights which forbids the reproduction of a private manuscript or painting, or the publication of private letters, or of oral lectures delivered by a teacher to his class, or the revelation of the contents of a merchant's book by a clerk. * * * But, while the right of a private individual to prohibit the reproduction of his picture or photograph should be recognized and enforced, this right may be surrendered or dedicated to the public by the act of the individual, just the same as a private manuscript, book or painting becomes (when not protected by copyright) public property by the act of publication. The distinction in the case of a picture or photograph lies, it seems to me, between public and private characters. A private individual should be protected against the publication of any portrait of himself, but where an individual becomes a public character the case is different. A statesman, author, artist or inventor, who asks for and desires public recognition, may be said to have surrendered his right to the public." This distinction between public and private characters can not possibly be drawn. On what principle does an author or artist forfeit his right of privacy, and a great orator, a great preacher or a great advocate retain his? Who can draw a line of demarcation between public characters and private characters, let that line be as wavering and irregular as you please? In the very case, then, before the judge, what had Mr. Corliss done by which he surrendered his right of privacy? In what respect did he, by his inventions, "ask for and desire public recognition" any more than a banker or merchant who prosecutes his calling? Or is the right of privacy the possession of mediocrity alone, which a person forfeits by giving rein to his ability, spurs to his industry or grandeur to his character? A lady may pass her life in domestic privacy when by some act of heroism or self-sacrifice, her name and fame fill the public ear. Is she to forfeit by her good deed the right of privacy she previously possessed? These considerations suggest the answer we would make to the position of the learned judge, and at the same time serve to make more clear what we have elsewhere attempted to point out, namely, the absolute impossibility of dealing with this subject save by

legislative enactment, by which may be drawn arbitrary distinctions which no court could promulgate as a part of general jurisprudence.

Atkinson v. Doherty was a suit in equity brought by the widow of Colonel John Atkinson, a well-known lawyer in Detroit, to enjoin the defendant, a cigar manufacturer, from using the name and portrait of Colonel Atkinson upon boxes of cigars manufactured by defendant. The suit was dismissed by the Circuit Court, and its decree was unanimously affirmed by the Supreme Court. The case quite closely resemble the Schuyler case, which was brought to the attention of that court, and in the course of the opinion the contention that the Schuyler case intimated the existence of a right of privacy was met as follows: "We think it should not be considered as containing a dictum even in support of the doctrine contended for." The method adopted by the court in the Atkinson case in treating the question was different from that employed by this court in the Schuyler case, however, for the opinion proceeds to a review of the authorities upon which the right of privacy is said to rest, reaching the conclusion that all of the authorities which are entitled to respect are based upon property or contract rights, and hence "that Colonel Atkinson would himself be remediless were he alive, and the same is true of his friends who survive."

An examination of the authorities leads us to the conclusion that the so-called "right of privacy" has not as yet found an abiding place in our jurisprudence, and, as we view it, the doctrine can not now be incorporated without doing violence to settled principles of law by which the profession and the public have long been guided.

NO RECIPROCITY BETWEEN NEW YORK AND NEW JERSEY.

It has heretofore been the practice of many New York lawyers having cases before the Jersey courts, to obtain special permission to appear therein, although not regularly admitted to practice in the latter State. Particularly is this true in corporation cases, will litigations and divorce proceedings. Notably was this true in the Rogers and Blair will cases, the case involving the purchase of the Guggenheim copper plants and the litigation over the retiring of the United States Steel Corporation's preferred stock. New York, however, so Jersey counsellors claim, has been stern in enforcing the statutes relative to admission to the State bar as a pre-requisite to practice in the courts. The pleas of comity, brotherhood and professional courtesy don't seem to avail.

Now New Jersey has retaliated, and Chief Justice Gummere announces that none but attorneys and counsellors duly licensed and admitted to practice will be heard before the courts of that State.

Since New Jersey has become the home of so many corporations the members of the bar of New Jersey have been chafing at the large fees slipping from their grasp. We understand that to be admitted to the bar in New Jersey one must be a resident of the State, and to cntinue to practice it is necessary to have one's domicil there. There is thus slight chance of resident New York lawyers applying for admission in order to try or argue even the most important interests.

A Review of Legislation for the Year 1901.

[The editor desires to acknowledge the courtesy of the University of the State of New York, of Melvil Dewey, Esq., director of the State Library, and of Robert H. Whitten, Ph. D., under whose auspices there is yearly prepared and issued a volume embracing a very valuable review of the work of the various State legislatures. A number of the special articles follow.]

TAXATION ON MORTGAGES.

Frederick N. Judson, of the St. Louis Bar.

The State of Missouri ['99 p. 383] at the general election November 6 1900, adopted a constitutional amendment on the subject of the taxation of mortgages, which was substantially taken from the provisions of the California constitution of 1879. It was as follows:

Section 22. A mortgage, deed of trust, contract or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby, except as to railroad and other quasi public corporations, for which provision has already been made by law; in case of debts so secured the value of the property affected by such mortgage, deed of trust, contract or obligation, less the value of such security, shall be assessed and taxed to the owner of the property in the manner hereinafter to be provided by law, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city or local subdivision in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment a full discharge thereof; provided, that in all such cases the interest of the owner of the security, as well as that of the owner of the property affected by such mortgage, deed of trust, contract or obligation, shall be assessed on terms equally fair and just. If the note or other obligation secured is entitled to a credit by payment made on the principal thereof, the assessable value of the owner of the security, upon the fact being made known to the assessor prior to the assessment, shall be diminished by the amount of such payment, and the assessable value of the owner of the land or other property correspondingly increased, the intent hereof being to place those interested in any way in such land or other property on the plane of absolute equality as to taxation.

Section 23. Every contract hereafter made by which a debtor is obligated to pay any tax or assessment on money loaned, or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein and as to such tax or assessment, be null and void.

There was little discussion in the State during the campaign over the merits of the amendment, and it seems to have been carried on account of the vigorous campaign for certain other amendments submitted at the same election.

The situation, however, in Missouri with reference to the taxation of mortgages was not the same as that of California in 1879. In the latter State mortgages had been held by the Supreme Court of that State not to be taxable, the court holding that the taxation of the mortgage interest to the mortgagee, after taxing the full value of the mortgaged land to the mortgagor, would be double taxation. The purpose of the constitution, therefore, was not only to relieve the holder of real estate from what was deemed an unjust burden of taxation, but also to compel the taxation of property which had hitherto escaped.

But in Missouri prior to the adoption of this amendment mortgages, i. e., notes secured by deeds of trust, were taxable as personal property, being included in the general property tax, and were required to be listed by the holder like other personal property for taxation at his domicile. The State thus exercised its utmost power in the taxation of this class of property, as all the land in the State was taxed to its full value without deduction for mortgage, and all the mortgages and mortgage notes held by citizens of the State were taxed whether the notes were in the State or not. The effect of the system when enforced was to tax both the property and the credit whose value rested upon the property. Practically, however, in the failure of the general property tax to reach personal property, very few mortgages were listed for taxation, except those held by trustees and estates in probate and those included in the capital and surplus of banks and trust companies, these institutions being taxed, not on their property, but on their capital and surplus. Thus in California mortgages were legally exempt before the new system was adopted, while in Missouri, with the exceptions noted, they were practically exempt. (1)

It should be added that before this amendment was adopted in Missouri, the California provision had been practically nullified in that State by the decision of the Supreme Court, holding valid contracts which allowed the mortgagor a rebate in the interest paid by him in the event of his paying the taxes, thus giving the mortgagor an "option" to pay the taxes, but not "obligating" him to do so. So universal had this shifting of the tax upon the mortgagor become that Prof. Plehn declared that this experiment in taxation had come to an end in California. (2)

The adoption of the Missouri amendment in November, 1900, was so unexpected that it caused at first a panic among the money lenders, and a few foreign companies withdrew from the State, refusing to renew their loans. The successful expedients adopted in California, whereby the tax was shifted back upon the mortgagor, were soon introduced [Mo. '01, p. 216] and the loaning business, temporarily interrupted, promptly adjusted itself to the new conditions. It is safe to say that during the eight months when the new system was deemed to be in force, in all new mortgages or renewals of existing mortgages the mortgagor bore, as before, the full burden of the taxation upon the land, either through an increased interest above the normal rate or by a direct shifting of the tax.

The General Assembly of the State met in January, 1901, and was at once importuned to reduce the authorized rate of interest from 8 per cent. to 6 per cent. to prevent the shifting of this tax. This it refused to do, but, on the other hand, it did all it could for the repeal of the amendment by authorizing its resubmission to popular vote at the next general election [Mo. '01, p. 261]. An act was passed for carrying the constitutional amendment into effect, but it was expressly enacted that a repeal of the constitutional amendment, or any legal suspension of its force, should suspend the act, so that the new system should be in force only so long as the constitutional provision was in force.

But an unforeseen result developed in the application of the new system as to mortgages held by savings banks and trust companies. As these institutions are taxed in Missouri, not upon their property, but upon their capital stock and surplus, their real estate, assessed as other real estate, being deducted from the valuation, it was claimed and the Attorney General of the State so advised that their mortgage loans must also be taxed as real estate, and that they could not be taxed upon such loans in addition to their capital stock, as that would be double taxation, which it was the purpose of the amendment to avoid. This involved a discrimination against the individual lenders, who were compelled to provide by contract for the shifting of the tax, while the institutions referred to were relieved from such necessity. This discrimination caused popular dissatisfaction, and would doubtless have resulted in serious loss to the public revenues had the system continued in force, as the mortgagor could be taxed only for the actual value of his equity in the land, irrespective of whether the mortgage was held by an individual or a bank.

But before any general assessment was made under the act, the experience of Missouri in this form of taxation was ended by the decision of the Supreme Court June 18, 1901, declaring the amendment void on the ground that the exception of the property of railroad and other quasi public corporations created inequality of taxation, by an unreasonable classification, in violation of the fourteenth amendment of the constitution of the United States. Three of the seven judges dissented from the opinion, but the decision being favorable to the right claimed under the Federal constitution, was final. (3) The general public opinion of the State is fairly reflected in the comment of the St. Louis "Globe-Democrat" on the decision:

"As a matter of fact, mortgagees take measures to maintain their interests as before, while mortgagors and real estate men are greatly inconvenienced. The amendment proved itself to be practically inoperative and a nuisance before it was decided to be invalid."

The court, in its opinion, alluded to the successful evasion in California and said:

"It may be, therefore, that evasion of the law has been found to be so much easier than contesting its validity that the legal warfare has ceased, and the patient borrower bears the burden as of old. We do not know of another State that has copied this feature of the California law, and if, as indicated in the above quotation [from Prof. Plehn's article referred to above], the conflicting interests there have made peace on terms that practically annul the law that fact may account for the absence of other decisions on the question.

It may be added that the point on which this case was decided in Missouri was raised in California by a railroad company, Railroad Company v. Board of Equalization, 60 Cal. 35, but was overruled. It was scustained, however, by Justices Field and Sawyer, in the Federal Court [18 Fed. Rep. 385]. It was suggested by Justice Field, p. 414, that the constitutional amendment could be sustained by eliminating the exception. The judgment was affirmed by the Supreme Court of the United States, 118 U. S. 394, on another ground, and the point in question has never been decided by that court, although it has upheld the power of a State to tax mortgages as real estate. (4)

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(1) Judson. Law and Practice of Taxation in Missouri, p. 282.

(2) Taxation of Mortgages in California, "Yale Review," May, 1899.

(3) Russell v. Croy, 63 S. W. 849.

(4) Savings Society v. Multnomah County, 169 U. S. 421.

The effect of this decision, after this brief experiment, is to leave the old system, i. e., the general property tax, in force in Missouri. The full value of the land (i. e., what the assessor says is the full value, varying from 20 per cent. to 70 per cent. in the different counties of the State) is taxed to the mortgagor, and mortgages are in theory taxed to the resident holders as part of the personal estate, which they are required to return to the assessor. In the rare cases when the assessor finds them in the hands of trustees or estates in probate, they are assessed at their face value, or 100 per cent.

It is safe to say, however, that there is no disposition to attempt again a trial of the remedy which has been annulled by the decision of the Supreme Court, as our brief experience with that remedy showed that it would be ineffective. The constitution of Missouri requires that taxation must be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and that all property subject to taxation shall be taxed in proportion to its value and no property can be exempted from taxation. The remedy, therefore, which has been adopted in some States of taxing mortgages at different rates of tax from that levied upon other classes of property is not open to us.

INHERITANCE TAX.

Max West, Ph. D., United States Department of Agriculture.

The inheritance tax legislation of the first year of the new century exhibits radical tendencies in the direction of high and progressive rates in several States. Whereas at the close of the 19th century the maximum rates for State inheritance taxes were 1 per cent. for direct heirs and 6 per cent. for collateral heirs, the legislation of 1901 has raised the maxima to 5 per cent. for direct and 15 per cent. for collateral heirs.

The heaviest taxes on collateral inheritances of personal property are levied by North Carolina, the only Eastern State which has applied the progressive principle to the taxation of inheritances. North Carolina's law ['01 ch. 9] shows plainly the influence of national legislation. Heirs are divided into five classes, with basic rates ranging from three-fourths of 1 per cent. to 5 per cent., just as in the case of the national inheritance tax. But the North Carolina tax is really heavier than the national, because the exemption is only $2,000 instead of $10,000, and the basic rates are multiplied by 1½, 2, 2½ or 3 in the case of comparatively small legacies; thus the maximum rates are imposed upon legacies exceeding $50,000 instead of $1,000,000. It is worthy of notice that the national and State taxes together would claim approximately 30 per cent. (5) of the value of a legacy exceeding $1,000,000 to a distant relative or stranger in blood—a heavier inheritance tax than is levied in any considerable country in the world. But it should be remembered that the North Carolina and federal inheritance taxes apply to personal property alone.

In Washington the maximum rate is almost as high as in North Carolina and applies to both real and personal property ['01 ch. 55]. Direct heirs, including the surviving husband or wife, are taxed only 1 per cent., with an exemption of $10,000. For collateral heirs the rates are progressive, and a distinction is also made between the nearer and more distant collateral relatives. For the former the rates are 3, 4½ and 6 per cent., according as the amount involved is under $50,000, from $50,000 to $1,000,000, or above $100,000; for more distant relatives the rates are 6, 9 and 12 per cent. The maximum rate under the national inheritance tax on personal property being 15 per cent., it appears that in Washington legacies may in some exceptional cases be subject to taxes amounting to one-fourth of their value.

The Utah law is noteworthy in another way. The tax is neither progressive nor graduated according to relationship, but a uniform rate of 5 per cent. on the excess above $10,000 applies to all inheritances, direct and collateral alike ['01 ch. 62]. As there are many more transfers between immediate relatives than between distant relatives, the Utah tax is for practical purposes heavier than the Washington tax. Adding the maximum rate under the national law, it appears that legacies from Utah millionaires to their own sons may be required to pay 7¼ per cent.

During the first week in April both Nebraska and Colorado adopted inheritance taxes on the Illinois model [Neb. '01 ch. 54; Col. '01 ch. 94]. Three classes of heirs are distinguished: direct heirs and brothers and sisters are taxed at the minimum rate, with a generous exemption; the decedent's uncles, aunts, nephews, nieces or their descendants are taxed more heavily, with a smaller exemption; while more distant relatives are subject to still heavier and progressive rates. In Nebraska the tax for direct heirs is at the usual rate of 1 per cent., estates of less than $10,000 being exempt; in Colorado it is 2 per cent., or twice as high as in any other State except Utah, and the exemption is only $5,000. In Nebraska the nearer collateral relatives pay 2 per cent. on the excess above $2,000 received by each; in Colorado they pay 3 per cent. The rates for distant relatives and strangers in blood are the same in both States: 3 per cent. on estates of $10,000 or less, 4 per cent. on estates of from $10,000 to $20,000, 5 per cent. on those from $20,000 to $50,000, and 6 per cent. on all larger amounts. An important difference between the two laws is that Nebraska, in the case of near relatives at least, taxes only the excess above the exemption, while Colorado taves the entire estate whenever it is large enough to be taxed at all.

The Minnesota Legislature has tried repeatedly to invent a form of inheritance tax which would meet the requirements of the State constitution. After the first attempt had been annulled by the courts, a constitutional amendment permitting the taxation of inheritances was proposed and adopted by the people, and in 1897 the Legislature put forth its second inheritance tax law; but this was held not to conform to the provisions of the amendment. A third effort was made by the Legislature last year. The result is a tax of 1 per cent. on direct and 5 per cent. on collateral inheritances, with an exemption of $5,000 in either case [Minn. '01 ch. 255]. The only vulnerable point which a casual examination of this new law reveals is the apparent application of the tax to the whole inheritance in the case of collateral heirs, instead of only to the excess above the exemption. Judging from the State Supreme Court's decision on the law of 1897, this may invalidate the new collateral inheritance tax and leave Minnesota with a tax on direct heirs only.

It is the fashion now to tax both direct and collateral inheritances; but Arkansas adopted last year a tax of the old-fashioned kind—5 per cent. on collateral heirs alone ['01 ch. 156].

The adoption of inheritance taxes by these seven States means that more than one-half the States in the Union now employ this form of taxation. During 1901 Maine and Massachusetts emphasized their reliance upon their collateral inheritance taxes, the former [Me. '01 ch. 225] by increasing the rate from 2½ to 4 per cent., and the latter [Mass. '01 ch. 297] by repealing the exemption of $10,000. Alabama has a section in her new constitution [Section 219] permitting a collateral inheritance tax of not exceeding 2½ per cent.

It is rather surprising that the taxation of inheritances by the States should have made such rapid headway with the heavy national inheritance tax still on the statute books. The natural prediction that the national tax would inter-

(5) Not quite 30 per cent. because it is the practice of the national government to tax only what remains after the payment of the State tax.

fere with the development of State inheritance taxes does not seem to be borne out by a comparison of the legislation of 1901 with that of previous years. The question naturally arises, therefore, whether it was necessary to repeal the national tax in order that the States might have this source of revenue to themselves.

TAXATION OF BUSINESS CORPORATIONS.

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The legislation for the year 1901 affecting the taxation of business corporations tended generally toward an increase in the amount of the incorporation and license fees and annual State taxes imposed upon domestic and foreign corporations.

The policy of some of the States to invite the formation of corporations was shown in New York by the reduction of the incorporation fees from one-eighth to one-twentieth of 1 per cent. of the authorized capital stock ['01 ch. 448]. West Virginia ['01 ch. 35] on the other hand required nonresident domestic corporations to pay much heavier annual taxes than either domestic or foreign resident corporations; which will discourage the formation of corporations in that State intending to carry on business elsewhere.

The hostility usually shown foreign corporations was displayed in Colorado ['01 ch. 94] which imposed license fees upon foreign corporations 50 per cent. greater than the incorporation fees of domestic corporations.

The increasing size of the capital of corporations has affected legislation in several instances; in Utah ['01 ch. 81] the maximum charge for incorporating was repealed and the fee is based upon the amount of authorized capital stock; in Wisconsin ['01 ch. 238] the fee for filing a certificate of increase of stock has been doubled, and in several of the States fees and taxes based upon the amount of capital have taken the place of a small fee, imposed regardless of the amount of capital.

To induce manufacturing New York provided that a corporation shall not be exempted from the payment of the annual franchise or business taxes unless at least 40 per cent. of its capital is invested and employed in manufacturing within the State. In Delaware ['01 ch. 17] manufacturing corporations are required to take out an annual license and to pay a fee based upon the value of the real and personal estate used in manufacturing in that State; formerly this fee was based upon the value of the goods manufactured. Colorado provided that in determining the taxable value of a corporation's property, the value of the stock and bonds is to be considered, the business is to be valued as a unit and franchises and intangible property are to be included in the assessment. Several of the States for the first time imposed State fees and taxes and required the filing of reports showing the capital and general condition of the corporation; in some instances these taxes are based upon the capital employed within the State, in others upon the amount of authorized capital stock. No general rule prevails and the legislation seems quite as haphazard as in the past.

This legislation for the year 1901 may be summarized as follows:

Organization fee of domestic corporations. In Colorado ['01 ch. 52] the incorporation fee has been increased from $10 to $20 for corporations with a capital of $50,000 or less; if the authorized capital exceeds that amount the fee has been increased from 15 cents to 20 cents for each additional $1,000. In Kansas ['01 ch. 125] the fee for each $1,000,000 of authorized capital in excess of $500,000 has been increased from $100 to $200. In New York ['01 ch. 448] the fee has been reduced from one-eighth to one-twentieth of 1 per cent of the authorized capital. In South Carolina ['01 ch. 399] the fees have been greatly increased over former years although still comparatively small. The law of 1901 prescribes 1 mill for each dollar of authorized capital up to $100,000, one-half mill for each dollar exceeding $100,000 up to $1,000,000, and one-fourth of 1 mill for each dollar exceeding $1,000,000. In Utah ['01 ch. 60] the fee is 25 cents for each $1,000 of authorized capital; formerly the maximum charge was $2,500.

License fee of foreign corporations. By a license fee is meant the charge for permitting a foreign corporation to carry on business within the State. In Colorado ['01 ch. 52 Section 4] this fee was increased to $30 for the first $50,000 or less of authorized capital and 30 cents for each $1,000 over that amount if the capital exceeds $50,000; this is much greater than the incorporation fee of a domestic corporation. In Indiana ['01 ch. 265 Section 2] foreign corporations must file a report and pay the same fees and taxes as domestic corporations, upon the proportion of capital represented by property situated and business done in Indiana. In Kansas ['01 ch. 125] the fee was made $200 for each $1,000,000 of capital over $500,000, which is double the former rate and the same as the incorporation fee of a domestic corporation. In New York ['01 ch. 558, Section 1] the exemption from the payment of a license fee extended to foreign manufacturing corporations was withdrawn and such corporations are apparently subject to a fee of one-eighth of 1 per cent. of the capital employed within that State during the first year business is carried on there. In Pennsylvania ['01 ch. 121] foreign corporations whose principal offices or places of business are in that State, or which have any part of their capital wholly employed there, must file an annual report and pay a bonus of one-third of 1 per cent. upon the amount of capital so employed, and a like bonus upon any increase of capital so employed. In Utah the fees are the same as for domestic corporations and the maximum charge of $2,500 was repealed ['01 ch. 60]. In Wisconsin ['01 ch. 399] foreign corporations have been required to file a verified annual report showing the proportion of capital represented by property situated and business done within that State, and to pay upon the proportion of capital so employed $1 for each $1,000 of capital in excess of $25,000, and a fee of $1 per $1,000 upon any increase of stock by amendment.

Annual franchise tax on domestic corporations. In Delaware ['01 ch. 16] the taxes upon corporations incorporated after the law took effect are to be based upon the amount of capital "actually paid in" instead of upon the amount of stock issued and outstanding, as was formerly the case. Corporations engaged in manufacturing are ['01 ch. 17], like individuals, required to pay an annual license tax of one-twentieth of 1 per cent on the value of the real and personal estate used in manufacturing up to $3,000,000, one-fortieth of 1 per cent. upon the value of such property between $3,000,000 and $5,000,000, and $30 per annum for each $1,000,000 or part thereof exceeding $5,000,000. The former tax was one-tenth of 1 per cent. upon the value of the goods manufactured. In Maine ['01 ch. 229] domestic corporations have been required to file an annual report and to pay an annual tax upon their authorized capital, of $5, if such capital does not exceed $50,000, up to $50 if the capital does not exceed $1,000,000, and $25 for each additional $1,000,000 or part thereof. In West Virginia ['01 ch. 35, Section 34] resident domestic corporations, that is, those having their principal place of business in the State, are taxed $10 if the authorized capital is not more than $10,000, and in varying amounts if their capital exceeds that sum. If the capital exceeds $1,000,000, the tax is $70 on the first $1,000,000, and $10 additional on each succeeding $1,000,000 or part thereof. For nonresident domestic corporations the tax is much greater ['01 ch. 35, Section 35], being $20 if the authorized capital does not exceed $25,000, and in varying amounts if the capital exceeds that sum. If the capital is over $4,000,000 the tax is $1,010, and $50 additional for each $1,000,000 or part thereof over $4,000,000.

Annual business tax on foreign corporations. In West

Virginia ['01 ch. 35, Section 38] foreign corporations doing business there are required to file an annual report; if the assessed value of their property owned and used in their business in West Virginia amounts to $5,000 or more, they are entitled to pay the same taxes as resident domestic corporations, according to the proportion of capital represented by property owned and used in the State, but no such corporations shall pay less than $100.

TAXATION OF PUBLIC SERVICE CORPORATIONS.

Robert H. Whitten.

The most important movement in the taxation of public service corporations is the substitution of taxation at actual value as determined by a State board for various kinds of specific taxes. This movement has been gaining steadily during the past ten years, though every step has been hotly contested. In Michigan "equal taxation," as it is called, has this year triumphed after a long and interesting struggle. As early as 1879 [ch. 77] an act was passed providing for the assessment of telegraph companies by a State board at their actual value at the average rate of State and local taxation, and in 1881 [ch. 168] this act was extended to telephone companies. Governor Pingree started a movement to extend this system to railroad, express and car companies. In 1899 [ch. 19] an act was passed creating a State board of assessors to assess railroad, express, telegraph and telephone companies on the total value of their property, including the franchise, at the average rate of State and local taxation. Within forty-five days after the passage of this act the State Supreme Court made a decision which, by implication, declared the act void. The decision declared unconstitutional the similar act of 1881, applying to telegraph and telephone companies, holding that the tax imposed was not a specific tax and that taxation at an average rate was not within the uniform rule prescribed by the constitution. In consequence of this decision, a new act was passed ['99 ch. 179] taxing telegraph, telephone and express companies 3 per cent. on gross receipts from business in the State in lieu of all other taxes. Railroad and depot companies continued as formerly to pay a State gross receipts tax varying from 2½ to 5 per cent., according to receipts per mile.

A resolution to submit to popular vote a constitutional amendment authorizing assessment of corporations in the manner declared unconstitutional was defeated at the regular session of 1899, and Governor Pingree summoned an extra session, which met Dec. 18, 1899, specially for this purpose, but the resolution was again defeated. By the use of that potent lever, political necessity, the Governor was finally successful. On the eve of an impending State and Presidential election he again summoned the Legislature in special session, and Oct. 15, 1900, the desired resolution was passed It was ratified by the people in November by a vote of 442,728 to 54,757, thus showing the popular strength of the demand for "equality."

To carry out the amendment an act was passed in 1901 [ch. 173] similar in aim to the law of 1899. It provides that the State tax commissioners shall ex-officio constitute a State board of assessors. It is the duty of the board to assess the property of railroad, depot, express and car companies. The term property is defined to include all property, real and personal, and all franchises, "said franchises not to be directly assessed, but to be taken into consideration in determining the value of the other property." Property not used in the exercise of the franchise continues to be subject to taxation by local assessors only. The companies are required to furnish information concerning physical condition, shares, bonds, earnings, etc. The basis of assessment of interstate railroads is the mileage of main track within the State as compared with total mileage. In determining the cash value of the property of express companies the State board determines the actual value of the entire amount of capital stock and bonded indebtedness, and deducts the value of real estate and personal property not used in the express business. A part of the remainder, proportionate to the mileage of route within the State, is taken as the value of the property of the express company within the State. In assessing the property of car companies, the State board ascertains the average number of cars used in the State, "such average to be determined by dividing the total number of cars so used by the total number of days on which the cars were used." The cash value of this average number of cars is then assessed. The property of corporations assessed by the State board is taxed for State purposes at the average rate of taxation throughout the State. No part of the tax collected is apportioned to the localities.

In North Dakota also the movement to substitute ad valorem for specific taxes has made substantial progress. The constitution of 1889 requires the assessment of railroads by the State Board of Equalization at the actual value of property and franchises, but previous to 1901 telegraph and telephone companies were assessed by local assessors; sleeping car companies paid an annual license tax of $100 per car, the aggregate sum for any one company not exceeding $5,000; and express companies paid an annual license tax of from $5 to $50 for each station, varying with the population of the place in which the station was situated, and were also locally taxable on their personal property. (6) By an amendment adopted in November, 1900, the constitutional provision relating to railroads is extended to telegraph, telephone, express and car companies. 1901 ch. 26 puts this amendment in effect. The value as fixed by the State board is apportioned to the counties on a mileage basis.

In the general revision of the revenue law passed by the Colorado Legislature of 1901 the method of taxing the property and franchises of transportation and transmission companies is considerably altered. Under the old law railroad, telegraph, telephone and car companies were assessed locally on real estate, including stations and other buildings, but not track and personal property. They were also required to make returns to the State Board of Equalization on the basis of which the franchise, roadbed, track and rolling stock were valued, and the value apportioned among the counties for the levy of general property taxes. The new law increases the authority of the State board and restricts local assessment to property not used for railroad, telegraph or telephone business. The county assessors meet annually at the State capital and elect of their number thirteen assessors to constitute the State Board of Assessors. The assessors from counties of the first class elect one member of the State Board, from counties of the second class two members, from counties of the third class three members, from counties of the fourth class five members, and from counties of the fifth class two members. It is the duty of the State Board of Assessors to assess property of railway, fast freight, express, telegraph, telephone and car companies, but property owned by railway companies and not used for the convenient and proper operation of the railway is assessed as heretofore by the local assessors.

Street railways are also exempt from assessment by the State board. The corporations affected are required to furnish the State Board of Assessors information concerning physical condition of property, shares, bonds, earnings, etc. The basis of assessment of interstate railroad, telegraph and telephone companies is the proportion of mileage within the State. The basis of assessment of express, sleeping car, palace car and fast freight companies is the proportion of the total railway mileage within the State over which the com-

(6) McCrea, R. C. Taxation of Transportation Companies, U. S. Industrial Commission Report, 9:1069.

pany does business to the total railway mileage wherever situated; but the State Board of Assessors may make deductions for property in other States or Territories not connected directly with the operation of the corporate business. Each county may assess and tax a part of the total value of the property of each railway, telegraph and telephone company proportionate to the mileage within the county.

The framers of this law stated their great aim to be the securing of equality and uniformity in taxation. All corporations are to be assessed on the total value of their property of whatever kind.

In arriving at the value of the property owned by any corporation, foreign or domestic, not only its tangible property, whether it be within the State, or partly within and partly without this State, shall be looked to by the assessors and State Board of Equalization, but its intangible property, such as special privileges, rights of way, franchises, contracts, rights and obligations, shall be considered, that is to say, the entire business, plant or enterprise of such corporation shall be valued as a unit, and every element, subject or consideration wherein the use is in inseparable combination with a whole, of which it forms a part, and which gives to the corporation property an added value for the purposes of income or sale, shall be considered in fixing the value for taxable purposes.

In Indiana ['01 ch. 81] the existing method of taxing railroads on actual value by a State board has been extended to electric roads, and in Missouri ['01 p. 223-25] this method has been extended to telephone companies. A few States have revised and increased existing taxes on gross receipts, but none have substituted that system for the ad valorem. In taxing railroads thirty-four States at present levy taxes on actual value of property, or of property and franchise, as determined by a State board, but three of these States supplement this with a tax on gross receipts. In the taxation of telephone, telegraph, car and express companies, specific taxes of various kinds are much more common. (7)

GENERAL BUSINESS CORPORATIONS.

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For the ordinary business corporations enjoying no public franchise the set of the tide is still strongly toward what may be called the New Jersey theory, as distinct from the Massachusetts theory. Connecticut has adopted a "liberal" corporation law during the past year. Delaware, Pennsylvania and other States have amended their corporation laws to the direction of greater liberality. The only restrictive tendency may be noted as to foreign corporations in some of the Western States, which continue to evince a lively anxiety lest such corporations do business within the State without paying proper fees for that privilege. It cannot be said that there is anything new in principle in the corporation statutes of the East, unless we call new such regulations of what had become the practice, if not the common law, as are found in the statutes of New York, authorizing a corporation to sell all its property to another corporation by a vote of 95 per cent. of the stockholders, and that of Pennsylvania, which in terms authorizes ordinary business corporations to hold stock of other corporations.

The Connecticut general act ['01 ch. 157] is a careful compromise between the extreme license afforded by such States as Delaware and the careful statutes of older times. In its scope it is somewhat narrower than these latter, inasmuch as it excepts not only the usual banking and insurance businesses, but also building and loan associations, railroads or street railways, gas and electric light and water companies and any company which is clothed with the right of eminent domain, or of occupying the public highways. The certificate of incorporation may provide for different classes of stock and may also include any lawful provisions for the regulation of the business of the corporation, its powers, and those of the directors and stockholders. The tax on original issues of stock is 50 cents per $1,000 up to $5,000,000, and 10 cents per $1,000 beyond. No stock can be issued until paid for in full, but stock may be paid otherwise than in cash, upon written statement by the directors on the books of the corporation, showing the property received in payment for stock, and that it has an actual value equal to the amount for which it is so received, the judgment of the directors being conclusive; but the directors concurring in such judgment, in case of fraud or gross negligence in their valuation, are jointly and severally liable to the amount of the difference between the actual value of the property so accepted and the amount for which it is received, and it is the duty of the secretary to keep a record of the names of the directors concurring in such judgment of value. Stockholders are only liable for the unpaid balance on their stock. Stock is only transferable on the books, and when a transfer is made for collateral security the record on the books must so state. It will be seen that the old annoyance of the Connecticut corporation law, by which purchasers or pledgees for value of stock certificates have no rights as against an attaching creditor, is not removed. A corporation may not purchase or vote on its own stock. Annual reports must be filed with the Secretary of State both by home and foreign corporations, showing the names and addresses of the officers, the amount of stock authorized, the amount issued and the amount paid, the names and residence of stockholders whose stock has not been fully paid, the number of shares of stock or other securities of any other corporation owned by it and the location of the principal offices and the name of the agent or attorney on whom process may be served. The officer in charge of the stock books is required to give information as to the number of shares owned by any person on the application of a creditor of such person. No pledges of stock are valid except as against the pledgor, his executors and administrators, unless the stock be actually transferred on the books or a power filed with the company. Stockholders' meetings must be held within the State.

Foreign corporations are given power to purchase, hold, mortgage, lease, sell and convey real and personal estate in Connecticut for their lawful uses, etc., but no foreign corporation shall engage in any kind of business in Connecticut, the transaction of which is not permitted to domestic corporations by her laws. This is a very interesting and wise provision, the law on this point being, in the absence of such a statute, unsettled. There are the usual provisions for filing charter and appointing the Secretary of State lawful attorney to receive process, and all penalties and liabilities imposed by the laws of the State upon officers and stockholders of domestic corporations for false representations apply to the officers and stockholders of foreign corporations doing business within the State.

The New York law ['01 ch. 130] provides that any stock corporation except a railway corporation may sell and convey its property and franchises to a domestic corporation engaged in business of the same general character, or which might be included under its certificate of incorporation under any general law, with the consent of two-thirds of its stock, and may, with the consent of the holders of 95 per cent. of its stock, sell and convey its property situated without the State of New York, not including its franchises, to a corporation organized under the laws of such adjoining State.

Ch. 354 of the New York laws contains very material amendments to the general stock corporation law recently adopted. For example, it confers full power to borrow money and contract debts, and to issue obligations for any amount

(7) For a brief summary of existing legislation on the subject see McCrea, R. C. Taxation of Transportation Companies, U. S. Industrial Commission Report, 9:1045.

so borrowed, and to mortgage its property, franchises, etc., with the consent of two-thirds of the stock, and the bonds may be made convertible into stock at any time after two and not more than 12 years from the date of the mortgage. There are elaborate amendments as to the reorganization of corporations. The annual report [Section 30] must contain the amount of stock and the proportion actually issued, the amount of debts and the amount of assets or an amount "which its assets at least equal." Section 42 provides that no corporation shall issue its stock or bonds except for money, labor done or property actually received. Stock issued for property necessary for the lawful purposes of the corporation is fully paid, and the holder is not liable for any further payment, and in the absence of fraud the judgment of the directors is conclusive; but such stock must be reported as having been issued for property and not for cash in all statements and reports of the corporation. Preferred stock of various classes may be issued with consent of two-thirds of the capital stock given at a meeting called for the purpose. Section 48 contains elaborate provisions against assignments and transfers of the property of the corporation by its officers, or of the stock of the corporation by the stockholders, in contemplation of its insolvency.

Ch. 355 amends in some particulars the "General Corporation Law," re-enacting the provisions against selling proxies or votes for money or other consideration. At least one of the directors in general corporations must be resident within the State ['01 ch. 214]. (1)

In New Jersey ['01 ch. 110] preferred stock may be issued but not in excess of two-thirds of the common stock, and such stock may be subject to redemption within three years, and the dividends may not exceed 8 per cent. Holders of preferred stock are in no event liable for the debts of the corporation.

Colorado ['01 ch. 52] in her zeal to get corporation fees of $20 as a minimum and 20 cents for each $1,000 above $50,000, and the same amount upon increase of stock, provides that every officer or stockholder of any corporation is personally and severally liable for all the debts of such corporation incurred for any time during which such fees happen to be unpaid; but this extreme provision is not extended to stockholders of foreign corporations. While the law remains it would seem unsafe to hold the stock of any Colorado corporation.

In South Carolina ['01 ch. 401] any corporation may issue preferred stock upon a two-thirds stock vote at a meeting held upon four weeks notice. At least one stockholders' meeting must be held annually within the State [S. C. '01 ch. 403]. By the South Carolina constitution cumulative voting for officers is required. No alien, or corporation controlled by aliens, either in its own right or under any trust, can own or control within the limits of the State more than 500 acres of land, not counting mortgages foreclosed, etc., which latter must be sold within five years [S. C. '01 ch. 404]. There is a curious statute [ch. 400] which declares stock in manufacturing corporations of South Carolina to be "realty," but the stock is nevertheless still transferable and taxable as personal property, is not subject to dower, and is to be distributed like personal property in the case of intestacy.

In West Virginia ch. 35 of 1901 contains many amendments to ch. 53 of the code concerning corporations; notably, Section 24 as amended, now provides that no stock can be sold or disposed of at less than par, except by three-fourths vote of all stock, at a stockholders' meeting, after notice of such intention by publication for two weeks; but any mining and manufacturing corporation can issue stock or bonds and sell the same in payment of real and personal estate for the use of such corporation, at such price and terms as may be agreed upon, and subscribers to stock may pay for the same by transfer of real or personal property, and stock so issued is fully paid, and in absence of actual fraud the valuation is conclusive, but the record books of the corporation must show with reasonable detail the items of the property in payment for which stock or bonds were so issued. The principal office of the corporation need not be within the State, and the by-laws may prescribe where stockholders' meetings shall be held. Foreign corporations may hold property and do business within the State upon filing copy of the articles, etc. A new section is added to the code whereby corporations may sell all their property and assets only on a vote of 60 per cent. of the outstanding stock. Non-resident corporations are now taxed by an annual license fee, a minimum of $20; corporations between $25,000 and $100,000 capital, $50; above $100,000, 40 cents on each additional $1,000; above $1,000,000, $410, and 30 cents on each $1,000 additional; above $2,000,000, $710 and 20 cents on each $1,000 additional; above $3,000,000, $910 and 10 cents on each $1,000 additional; above $4,000,000, $1,010 and $50 on each $1,000,000 additional. Foreign corporations must annually report their name, place, office, number of shares, amount of property owned and used in West Virginia, value of property owned and used outside of West Virginia, with schedules and the proportion of its capital stock which is represented by property owned and used in the State; and the tax is fixed by the State auditor according to the proportion of its capital stock which is represented by its property owned and used in the State, according to the above rates.

Kansas ['01 ch. 125] imposes the usual license fees, ranging from one-tenth of 1 per cent. downward, and provides for annual reports showing the authorized capital stock, the paid-up capital stock, par value and market value, a complete and detailed statement of assets and liabilities and a full list of stockholders. Foreign corporations are permitted to take and enforce liens by a mortgage or otherwise, provided that such corporations, more than 20 per cent. of whose stock is held by aliens, must dispose of property so acquired within the time now provided by law [Kan. '01 ch. 127].

In North Carolina, ch. 2 of 1901 is entitled an "Act to revise the corporation law of North Carolina." Its novel provisions are as follows: Section 1, defining the powers of corporations, adds to the usual power the power to conduct business in this State and other States, the District of Columbia, the territories, dependencies and colonies of the United States and in foreign countries, and have one or more offices in or out of this State. All lawful business is authorized, except railways other than street railways, banking and insurance. There must be a principal office in the State. Preferred stock is allowed not exceeding one-half the actual paid-in cash capital, but after the original incorporation no preferred stock can be created except by a two-thirds stock vote. "When any corporation shall issue stock for labor done or personal property or real estate or leases thereof in the absence of fraud in the transaction, the judgment of the directors as to the value of such labor, property or real estate or leases shall be conclusive." When the whole capital of the corporation is not paid in, stockholders are liable proportionately for the unpaid amount on their shares. Cumulative voting is allowed if so stated in the certificate of organization. No proxies can be voted on three years after their date, nor any shares transferred within twenty days preceding the election. Stockholders' meetings must be held at the principal office within the State, but directors may hold their meetings outside the State and have an office and keep the books of the corporation, except stock and transfer books. Foreign corporations have full powers to do business within the State [N. C. '01 ch. 5].

(1) The statement in the Comparative Summary and Index, 1901, No. 1162, that two members must be so resident is an error.

Pennsylvania ['01 ch. 298] provides that any corporation organized for profit may purchase, hold, sell, mortgage and vote on the capital stock of other corporations of this or any other State and also buy and own the bonds or other securities of such corporations.

In the same way in Alabama ['01, p. 89] foreign corporations are authorized to hold and vote the stock of any State corporations, provided they are so authorized by their own charters or laws, and they have complied with the constitution and laws of Alabama with reference to the doing of business in Alabama by foreign corporations, and provided further that no monopoly or trust may be created. Corporations of the State are authorized to do business in any other State and hold meetings of its stockholders or directors and perform any kind of corporate acts in any other State of the United States, provided the certificate of incorporation so authorizes, or the stockholders so unanimously vote after organization; and every such corporation must keep an office, agent and place of business within the State.

In Florida, ch. 12 of 1901, amends the code so as to provide that stock of corporations must consist of shares of not less than $10 each, and must be paid in lawful money, unless it be stated in the charter that it may be payable in property, labor or services at a just valuation to be fixed by the incorporators or directors at a meeting called for such purpose.

Michigan has passed a general statute ['01 ch. 154] authorizing the formation of corporations to carry on any lawful business whatever, provided only the capital stock be not less than $1,000 in shares of $10. Annual reports are to be filed, otherwise such corporations are covered by the other statutes concerning manufacturing corporations.

In Delaware the act of 1901 adds to Section 2, defining the powers of a corporation, the power to conduct business in Delaware, any other States or the territories and colonies of the United States and in foreign countries, and to have one or more offices out of Delaware, and to hold and convey property, real or personal, outside of the State, provided such powers are included in the certificate. Formerly these powers were given under Section 6, and it was not necessary to mention them in the certificate. Under Section 7 as amended it is no longer necessary to include in the certificate any limitations upon the value of real and personal estate which the company may hold or upon the highest amount of indebtedness which the corporation may at any time incur. Section 14 allows the corporation to issue stock for labor done, personal property, real estate or leases thereof, and in the absence of fraud, the judgment of the directors as to the value of such labor, property, etc., is conclusive. Meetings both of stockholders and directors may be held outside the State if the by-laws so provide. Corporations may consolidate as before, the objecting stockholders to be bought out at a valuation. Many special provisions apply to railways, gas and electric companies, telegraph and telephone companies, drainage companies, etc. Any corporation created under this act may [Section 135] guaranty, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of shares of stock or bonds, etc., of any other corporation of this State or any other State or country, and while owner of said stock may exercise all the rights, powers and privileges of ownership, including the right to vote thereon [Del. '01, p. 166-67].

BUILDING AND LOAN ASSOCIATIONS.

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There is little that is new in building and loan association legislation for the year 1901. (1) In California, Section 635 of the civil code was amended so as to authorize associations to adopt by-laws to determine by lot the retirement of free shares, changing the old law that required them to adopt by-laws regulating such election; also providing that the holders of such shares "must be paid the amount actually paid in, and the full amount of the net earnings of the date of retirement," instead of, as formerly, "the full amount of earnings at the date of last apportionment of profits" [Cal. '01, p. 386]. In Illinois ['01, p. 206] a new act regulates the charges of receivers or custodians of building associations, limiting them to 3 per cent. of the funds handled, to be paid out of the assets, and the further sum of $20 a day for services of an attorney, not to exceed $1,000 a year. The provision concerning attorney fees does not apply to agreements to pay such fees contained in mortgages or deeds of trust. In California ['01, p. 268] the statute has been so amended as to require the borrower to transfer at least one share of stock as collateral security. In Michigan ['01 ch. 17] sales of the funds are held as the by-laws direct, not less than once a month, to the highest bidder; or loaned in order of application, without bids. Loans to members cannot exceed the par value of their shares, secured by mortgages on real estate, not to exceed two-thirds of its value, and a transfer of shares. If the loan is made only on the shares, the amount of the loan cannot exceed 90 per cent. of their withdrawal value at the time of the loan. The mortgage must be a first lien, unless the association holds the prior mortgage.

In New York ['01 ch. 328] a loan on the shares may be made to the extent of their withdrawal value, less 6 per cent. interest on all fines that could accrue. The association by the by-laws may refuse to make stock loans. If the security tendered be not approved, the right to the loan is forfeited and the borrower is charged with one month's interest and premiums and all necessary expenses. All mortgages cover the loan, interest and fines, although not fully expressed in it. As in Michigan, the mortgage must be a first lien, or the company hold all prior mortgages or liens. The association is forbidden to assign any mortgage prior to its last mortgage, unless it be first paid. This provision does not apply to associations making loans on second mortgages prior to March 1, 1901; but such associations may continue to do business as they did prior to that date, if they will the first year invest 15 per cent., the second 20 per cent., and thereafter 25 per cent. of their receipts applicable for loaning purposes in such securities as savings banks may invest in, until the funds so invested amount to at least 25 per cent. of all mortgages and liens underlying such first mortgage or liens. An amount of this fund equal to 15 per cent. of all underlying mortgages and liens may be used in cases of emergency to pay off withdrawals. This security fund need not exceed $500,000. Second mortgages can not be taken by such associations on vacant or unproductive real estate. The surplus not called for by borrowers may be loaned to members on short personal security and a pledge of stock, not to exceed 90 days, at not over 6 per cent. interest; and if there still be a surplus, it may be invested in such securities as savings banks may take ['01 ch. 328]. In this State an association may buy in real estate to save itself; and may deal with it as an individual, except that it can not exchange it for other real estate without the approval of the State bank commissioner. It can not otherwise purchase real estate; and if it attempts it, the purchase is void, and the officer consenting to it is guilty of a misdemeanor.

The accumulations may be withdrawn on 30 days' notice filed with the secretary, at or before a stated meeting; but the directors may waive the notice. The 30 days begins to run from date of the stated meeting. The withdrawal value is determined according to the by-laws as of the date of the last distribution of profits before the notice was given, together with all dues paid since such distribution, and with or with-

(1) The writer was unable to obtain copies of the session laws for 1901 of Arizona and Delaware.

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out interest on the value of the shares since the last distribution, and also on dues thereafter paid, less fines unpaid and a proportionate share of any unadjusted losses. Not more than one-half, and when association is indebted upon matured shares, not more than one-third of the funds applicable to such payments can be applied without the consent of the board. If there be not money enough to pay off the stock, then it must be paid off in the order of notices filed. Under rules, the association may retire free shares at any time after four years from the date of their issue by enforcing their withdrawal, the shares withdrawn to be determined by lot. The holders are paid the full value of their shares, less all fines and their proportionate part of any unadjusted losses.

In Michigan ['01 ch. 17] the laws regarding building and loan associations have been revised. The changes are chiefly in minor details. The name assumed must not be such as to cause the public to confuse it with another association. The existence of the association cannot exceed thirty years. At least fifty shares must be subscribed for before the articles are filed with the recording officer. The par value of the stock can not be less than $25 nor more than $200, payable at a rate not to exceed $2 a month. Advance payments may be made. By a two-thirds vote of all the shares the stock may be increased or the articles of association changed. Upon thirty days' notice a stockholder may withdraw, with such interest or proportion of profits as the by-laws may provide, less fines and pro rata losses. On shares less than one year old there is deducted actual expenses, not to exceed 50 cents per share. The rate of interest or profits can not exceed the net earnings. Only one-half of the amount received during the month can be applied to withdrawals unless the directors order otherwise. If the withdrawals exceed amount applicable to them, then they are paid off in the order of application. Within sixty days after the death of a stockholder his stock must be paid off, but no fines can be charged that mature after the holder's death, unless his representatives have assumed the payments that would have been due if there had been no death. Not more than two-thirds of the funds on hand is applicable to the payment of matured stock, unless the directors decide to draw on the remainder. If a purchaser of a loan neglects to furnish acceptable security within a month, he forfeits his loan and is chargeable with one month's interest, the premium and all expenses necessarily incurred. If there is a default in making payments, after a loan is perfected, for four months, the directors may order a foreclosure, in which event the value of the shares held by the borrower and upon which the loan is made must be credited on the decree at the time it is entered. A borrower may pay off his loan on thirty days' written notice; in which event he is charged with the loan, all arrears of interest, premiums and fines, and is credited with the withdrawal value of the shares pledged to secure the loan. The balance, when received, is in full satisfaction of the loan. If the premium has been deducted from the loan in a gross sum, and the borrower repays the loan before the expiration of the tenth year from its date, credit is given for one-tenth of the premium paid for every year. A loan may be paid off with a withdrawal of the shares pledged. Within sixty days after the 1st of July, each association makes a detailed report to the Secretary of State, as of June 30, of the business it has transacted. Once a year this officer makes a full and complete examination of each association in the State. He is given power to compel a delivery of an association's books. If it appears that an association is unsound, or is doing illegal business, he gives notice to the board of directors; and if it is not made sound, or such practice is not discontinued, he takes possession of its books and assets, and if resisted the attorney general assists him. An examiner is appointed, who reports to the Secretary of State, and within

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the next fifteen days he lays the condition of the association before the stockholders, who by a two-thirds vote may go into liquidation, and elect from one of their number a conservator. The conservator takes charge of the association's affairs, the resolution of dissolution, and his name is reported to the Secretary of State, who thereupon publishes notice of such resolution. The publication works the dissolution of the corporation. If the shareholders refuse to go into liquidation, the attorney general brings suit for a receiver. If a stockholder is in arrears for thirty days, the board of directors, after notice, may declaré a forfeiture of his stock; its withdrawal value is then paid the shareholder; but fines, interest and premiums can not be assessed to exceed 1 per cent. a month on each dollar in arrears. Once a year the gross earnings must be ascertained, and from this sum can only be deducted a sufficient amount to meet operating expenses. Of this balance, there is set aside 1 per cent. annually as a reserve fund, until it reaches 5 per cent. of the outstanding loans, at which point it must be maintained by annual appropriations from the earnings. After providing for the expenses and reserve fund, the remainder is apportioned among the shareholders as the by-laws may direct. Two or more associations may consolidate by a majority vote of the shareholders of each association upon such terms as the directors may agree upon. Shareholders not consenting to the consolidation are entitled to the withdrawal value of their stock; and if borrowers, may have such value applied to their loans. At an annual meeting, or meeting called for the purpose, an association by a two-thirds vote may go into liquidation and dissolve. It may sell its securities to other associations or to individuals, subject to the vested interests and rights of the borrowers. After adopting a resolution of liquidation, no more loans can be made or stock sold. The Secretary of State makes an annual report concerning building associations.

In Missouri an act ['01 p. 93] prohibits the transfer of funds from one series to another, in order to mature the latter. The by-laws may permit interest, not to exceed 8 per cent., to be paid on money in advance. When an unpledged share reaches maturity, payments cease and the holder receives its maturing value and interest from date of maturity at not over 8 per cent. Not more than one-half of the funds in the treasury is applicable to withdrawals unless the directors consent. Unpledged shares may beretired, under rules, at any time; and after three years from issue instalment shares may be retired, holders receiving full value less fines and their share of the losses. Borrowers, in addition to dues, pay stated interest; and in associations in which premiums are paid in instalments, they make the periodical payment of premiums agreed upon until the shares reach their ultimate value, when they are deducted from the loan and the latter cancelled. The by-laws may provide that free shares shall not receive more than their face value, less the average premium paid by the borrowers up to date. When shares have reached their ultimate value, that fact must be reported to the superintendent of building and loan associations, and no stock shall be matured or money paid thereon without his consent and approval. If it appear that an association is insolvent, or is doing a fraudulent business, notice is given by the State supervising officer to the officers of the association; and if the association is not made solvent, or does not cease such practices within sixty days, the supervisor may bring suit to enjoin such practice, and, if necessary, to secure the appointment of a receiver. An association can not cease to do business until all its stock matures, unless all the stockholders consent thereto. All associations in process of liquidation are put in the charge of the State supervisor. An association can not make a voluntary assignment. If it be in a failing condition the officers of the association must place it in the hands of the State super-

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visor. If an assignment be attempted the State supervisor at once takes charge of the association; and if he thinks after an examination that it is solvent and can be placed in a condition to reassume business to the benefit and profit of its creditors and stockholders, he must proceed to conduct and manage its business. If it is insolvent and can not resume business profitably, he must bring suit to have himself appointed receiver, and proceed to wind it up. His fees can not exceed 5 per cent. of the assets.

In North Dakota ['01 ch. 46] the State examiner must examine each association twice a year, but may examine them as often as he sees fit. He has supervision over foreign associations. His fees for examination are fixed by statute. In Tennessee ['01 ch. 44] all associations within thirty days after January 1 and July 1, must publish in a newspaper of the counties where they are respectively located, a financial statement, according to a form prescribed by the State controller.

In Michigan and Pennsylvania new statutes have been enacted concerning the right of foreign associations to do business in the State [Mich. '01 ch. 18; Pa. '01 ch. 124]. These statutes are of considerable length, and it is impossible to give a full resume of them here. Each State requires a deposit of $100,000 of securities for the benefit of the stockholders and creditors within the State, before the association can do business. The kinds of securities are prescribed. Securities for those on deposit may be substituted. To secure a certificate to do business, associations must file with a designated officer of the State a sworn statement of its financial condition, a certified copy of its charter or articles of association, and sworn copies of its by-laws, and in Michigan, of all printed matter issued by it. In Michigan the securities are deposited with the Secretary of State; in Pennsylvania with a trust company. In both States agreements must be filed with the Secretary of State for service of process upon that officer, or upon a person designated, in suits against the association brought within the State. If a judgment be obtained against an association in Michigan, the State treasurer, upon the order of the Secretary of State, sells enough of the securities on hand to satisfy it, after thirty days' notice to the association. On May 1 each year an association in Pennsylvania pays a license fee of $100. In Michigan such associations are examined yearly by the Secretary of State or State examiner, who may revoke an association's authority to do business, if it does not conduct its business according to law, or is financially unsound, or refuses to be examined. Notice of the revocation of authority is given to the home office, and is also published in a newspaper of the State. In Pennsylvania, in case of insolvency or fraudulent practice, the State commissioner reports that fact to the attorney general, who applies to the Common Pleas Court of Dauphin County, or to the judge in vacation, for an order to show cause why its authority should not be revoked. If the association is insolvent, or is doing a fraudulent business, its certificate to do business is revoked; if doing an illegal, but not fraudulent business, such certificate may be revoked. In case of revocation of authority the commissioner revokes the authority of all the association's agents to do business. In both States penalties are provided where an association, or its agents, attempt to transact business without authority.

Recent Important Bankruptcy Decisions.

A wife living with her husband and children upon lands devised to her for life is the "head of a family" within the meaning of the homestead exemption statute of Missouri, and her right of exemption therein is to be measured by the value of the land as if she held the same in fee and not by the value of her life estate. Matter of Hostin, 7 Am. B. R. 362.

* * *

Where the filing of a petition in bankruptcy operates as a breach of an executory contract, a claim for damages therefor ripens simultaneously with the filing of the petition. In re Swift, 7 Am. B. R. 375.

* * *

Under section 63 of the Bankruptcy Act it is sufficient if the debt sought to be proved, existed at the time of the filing of the petition. In re Swift, 7 Am. B. R. 404.

* * *

The provision of the Bankrupt Act that the death or insanity of a bankrupt shall not abate the proceeding applies to a corporation which seeks by a dissolution to defeat properly instituted proceedings against it in bankruptcy. Scheuer v. Smith & Montgomery Book Co., 7 Am. B. R. 384.

Where a bankrupt makes away with the greater part of his property and gets it beyond the jurisdiction of the court, his claim for exemption from the balance will be disallowed. Matter of Taylor, 7 Am. B. R. 410.

* * *

A claim based on a contract right, although for unliquidated damages for loss of future profits, is provable in bankruptcy, and three such claims may support a petition against the debtor to have him adjudged an involuntary bankrupt if the damages aggregate $500. Matter of Manhattan Ice Co., 7 Am. B. R. 408.

* * *

Where a contract for future delivery of merchandise during a specified term at a fixed price, is broken by the party agreeing to make a delivery during the term, the damages provable include the entire loss sustained in replacing the contract at a higher price for the unexpired term, and such damages may be recovered at once after the breach without awaiting the expiration of the time for which the contracts were to contin . Matter of Manhattan Ice Co., 7 Am., B. R. 408.

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ILLINOIS.

The Chicago Law Institute has issued its third catalogue since it was founded in 1857. A committee, with Julius Rosenthal as chairman, has been working upon the volume for several months. It gives a complete index to all of the works of the institute, giving the reports of trials in alphabetical form and arranged according to subjects. The catalogue shows the library has 38,224 volumes. It is ranked as the third law library of the country, and H. C. Davis, assistant librarian, says it is as good a working library as there is in the country.

LOUISIANA.

The meeting of the Louisiana Bar Association, held recently, was one of the largest, if not the largest, ever held. Certainly at no previous meeting was there more interest displayed in the matters brought before the members.

Mr. Brenard McCloskey, the president, presided, and there were about seventy-five lawyers in attendance.

Mr. W. O. Hart, on behalf of the executive committee, presented the constitutional amendments recommended by the committee and they were discussed in detail.

The recommendation of the committee that the lower limit of the jurisdiction of the Supreme Court be fixed at $3,000 was not concurred in, and the limit of $2,000, as contained in the

present constitution, was adhered to. It was also proposed to give this court appellate jurisdiction in cases of contempt when the contempt is committed out of the presence of the court, and in all cases involving any tax, license, toll, import or local assessment originating in the district courts.

When article 86 was brought up for discussion there was considerable debate as to whether the Supreme Court justices should be appointed or elected. A vote of the association was taken and resulted in favor of electing the judges for a term of twelve years, the Governor to fill by appointment any vacancy occurring until the next succeeding general election. The justices are to be nominated from the districts, but be voted for throughout the state.

It was recommended that the judges of the Court of Appeals shall be elected by the people of the parishes over which they have jurisdiction, and their salary shall be $5,000.

In all other respects the amendments proposed by the committee were adopted.

The meeting, after considering various other matters, adjourned.

MASSACHUSETTS.

The regular quarterly meeting of the Fitchburg Bar Association was held at the Police Court room at 11 a. m., on June 7, with the president, Judge Gallagher, in the chair. A. M. Levy, secretary and treasurer, read his report, which showed a balance of $11.86 in the treasury.

J. E. McConnell suggested that it might be expedient to pass a rule in reference to signing petitions. W. P. Hall objected to a hard and fast rule, as some exigency might arise where such a rule would embarrass the members. "For instance," said Mr. Hall, "there might be a petition for the appointment of Mr. McConnell for district attorney."

On motion of J. E. McConnell, it was voted as the sense of the Bar Association, that there is need of the appointment of a deputy sheriff in place of Col. H. G. Greene, deceased. It was further voted as the sense of the Bar association that its members sign no petition for the appointment of any candidate to that office.

It was voted that a copy of the above resolutions be sent to Sheriff Chamberlain.

MICHIGAN.

At the meeting of the Detroit Bar Association, held on the afternoon of June 3, President James H. Pound appointed the following executive committee: Julian G. Dickinson, Alexander D. Fowler, Henry M. Cheever, George W. Bates, Augustus C. Stellwagen, Richard I. Lawson, James Phelan, Henry M. Butzel and Thomas T. Leete. The names were confirmed by the association. The initiation fee of $5 was removed and the dues were reduced to $1 per year on the recommendation of the president. Arrangements for dedication services in the new court rooms in the county building were referred to the executive committee.

MISSOURI.

The Missouri Bar Association convened in the auditorium of Missouri University at 10 o'clock on May 30. This is the twentieth annual meeting.

The meeting opened with the address of welcome by Judge Alex. Martin, dean of the law school. The welcoming address on behalf of the attorneys at law was delivered by N. T. Gentry, of Columbia. Hon. W. B. Teasdale, of Kansas City, president of the State association, responded in behalf of the visitors.

The annual election of members was then held and the following applicants were admitted: Kurt von Ruppert, of St. Louis; R. B. Spencer, of Marshall, Mo.; F. E. Luckett, of Jefferson City; D. Dunn, of Kansas City; Lee W. Hoggerman, of St. Louis; and A. H. Robbins, of St. Louis.

Resolutions respecting the St. Louis World's Fair were introduced by James Hoggerman, of St. Louis, and adopted. It was resolved that the State Bar Association shall meet in that city during the Fair. The meeting will be held in conjunction with the National and American Bar associations, and committees to confer on the subject were appointed. During the World's Fair in Chicago a federation of ministers was held in that city. It is now proposed to hold in St. Louis a federation of lawyers during the Fair, and the State Association to-day took steps to insure a large attendance of Missouri attorneys.

Appropriate resolutions were read by the committee on the death of Judge F. M. Black, of Kansas City, formerly of the Supreme Court.

The principal feature was the annual address of the president of the association, Hon. W. B. Teasdale, of Kansas City. The speaker laid particular stress on the absurdities of many of the new laws introduced in the various States, and pointed out some of the ridiculous features. In the course of his remarks he took occasion to suggest that in the future the annual address of the president be devoted only to State matters, as the task of covering the new laws and statutes of all the States had increased to such an extent that it was almost impossible to include all matters of importance.

The senior law class of Missouri University attended in a body. The session in the afternoon was brief, the programme including an address by Alexander H. Robbins, of St. Louis, on "The Operation of Torrens' System of Land Registration Under the American Constitution."

The officers elected for next year are: Judge W. M. Williams of Boonville, president; C. F. Galenkamp, of St. Louis, secretary; and Abiel Sherwood, of St. Louis, treasurer. The general council members, one from each district, were as follows: First judicial circuit, B. R. McKee, of Memphis; second, M. D. Campbell, of Kirksville; third, F. W. Coon, of Princeton; fourth, J. Kennish, of Mound City; fifth, J. M. Wilson, of Platte City; sixth, C. A. Mossman, of St. Joseph; seventh, Frank Divilbliss, of Sedalia; eighth, J. F. McIntyre, of St. Louis; Ninth, T. D. Gentry, of Columbia; Tenth, J. W. Matson, of Louisiana; Eleventh, G. Robertson, of Mexico; Twelfth, Virgil Conkling, of Carrollton; Thirteenth, not appointed; Fourteenth, S. I. Silway, of Jefferson City; Fifteenth, T. H. Harvey, of Marshall; Sixteenth, S. B. Ladd, of Kansas City; Seventeenth, R. T. Rasmond, of Harrisonville; Eighteenth, T. G. Richal, of Bolivar; Nineteenth, T. M. Jones, of Rolla; Twentieth, W. J. Orr, of Carthage; Twenty-first, T. F. Green, of Desoto; Twenty-second, T. R. Ely, of Kennett; Twenty-third, G. M. Sebree, of Springfield; Twenty-fourth, E. White, of Aurora; Twenty-fifth, Hugh Dobbs, of Joplin; Twenty-sixth, B. G. Thurmon, of Lamar; Twenty-seventh, M. Whybark, of Marble Hill; Twenty-eighth, T. D. Hines, of Moberly; Twenty-ninth, P. P. Parks, of Clinton; Thirtieth, Henry Lamm, of Sedalia.

NEW JERSEY.

The New Jersey State Bar Association held its annual meeting at the Hotel Chelsea, Atlantic City, on June 13. There were about seventy-five lawyers from outside of the city in attendance, and these were received at the hotel by a committee, consisting of the Board of Trustees of the association, and Judge Endicott, Samuel E. Perry and Recorder Charles C. Babcock, who were appointed by the Atlantic County Bar Association. The first session was held at 4 p. m., and Judge Courtland Parker delivered an eulogy on the late Chief Justice Depue. The election of officers resulted as follows:

President, Robert H. McCarter, Newark, succeeding Hon. D. J. Pancoast, of Camden.

First Vice-President—James J. Bergen, Somerville.

Second Vice-President—George M. Shipman, Belvidere.

Third Vice-President—Clarence L. Cole, Atlantic City.

Secretary—Albert C. Wall Jersey City.

Treasurer—Charles C. Black, Jersey City.

Managers — Judge Thomas W. Trenchard, Bridgeton; B. D. Shreve, Camden; James Buchanan, Trenton; J. Kearny Rice, New Brunswick; John B. Vreeland, Morristown; Charles R. Dutton, Hackensack; James Howell, Newark; Charles H. Hartshorne, Jersey City; Benjamin F. Vail, Elizabeth.

In the evening there was a banquet in the dining-hall, which had been elaborately decorated. Judge Endicott responded to the toast, "Fair Atlantic and Her Visitors." "The Spirit of Equity" was responded to by Hon. Henry C. Pitney. "Our Country," by Hon. William M. Johnson, former President of the New Jersey Senate and recently Assistant Postmaster General. "The Bar of New Jersey," Hon. Thomas M. Carter. "The Pleasantries of the Profession," Albert C. Wall, of Jersey City.

The Bar Association of Morris County held its annual meeting recently. Resolutions were passed concerning the death of Hon. Joshua B. Salmon, and instructions were given to have same enrolled on the minutes of the court.

The yearly reports were presented and applications for membership received from Gordon E. Sherman, Thomas J. Hileary, E. Bertram Mott and Edward C. Lyon.

The following officers were elected: President, Vice-Chancellor Henry C. Pitney; first vice-president, Hon. W. W. Cutler; second vice-president, Hon. James H. Neighbor; treasurer, Edward K. Mills; secretary, Irving E.

Salmon. Board of Trustees: Charles Stillwell, Jr., Elmer King, George G. Runyon, N. C. Toms, T. J. Hileary, Joseph Hinchman and Charles H. Rathburn.

NEW YORK.

Ex-Judge Thomas F. Wilkinson, of Albany, the Hon. Charles W. Dayton, of New York, and the Hon. Pliny T. Sexton, of Palmyra, have been selected to represent the New York State Bar Association as delegates to the annual meeting of the American Bar Association, to be held at Saratoga in August next.

At a meeting of the members of the Madison County Bar held at the court house in Morrisville, recently, an association was formed with the following officers: President, Hon. Gerrit A. Forbes; vice-president, Hon. John E. Smith; secretary, William E. Lounsberry; treasurer, John A. Johnson. The meeting was presided over by Justice G. A. Forbes. Capt. Chas. W. Underhill, of Hamilton, acted as clerk. Judge J. T. Durham, of Oneida, offered eulogistic resolutions in memory of the late Judge George P. Nock, of that city, which were adopted. An elaborate menu in five courses was served at the Barker House, after which E. W. Cushman, of this place, acted as toastmaster, and the following toasts were respond to: "Lawyers and their Duty to the Court," Justice Gerrit A. Forbes, Canastota. "Law, Lawyers and Humor of the Law," Judge Joseph Mason, Hamilton. "Legal Reminiscences," Matthew J. Shoecraft, Oneida. Mr. Shoecraft practiced law in this county for over fifty-two years and his memories carried those present back way beyond their recollection, but for a man 84 years of age he seemed full of life and vigor. "The Advocate," was responded to by D. W. Cameron.

OHIO.

The programme for the annual meeting of the State Bar Association, to be held in Put-in Bay, July 8-11, has been completed. The association will meet at Hotel Victory in the afternoon of July 8, and will be called to order by Chairman James Troup. The annual address of the president will be delivered by S. S. Wheeler and the remainder of the first day will be devoted to reports. On the ninth John K. Richards, solicitor general of the United States, will deliver the annual address of the association. His subject will be "The Insular Cases." A great part of the forenoon session will be devoted to legal biography. In the afternoon the association will discuss the interpretation which should be given to the provisions of the State constitution relating to special legislation, and the conferring of corporate powers. The proposed amendment to the constitution abolishing the double liability of stockholders will also be up for consideration.

On the tenth, Justice John A. Shauck, of the Supreme Court, will discuss the present methods of work by the Supreme Court, and Jonn W. Warrington will deliver an address on the Governor and the veto power. In the afternoon William Lynch will read a memorial and sketch of the late John Twing Wilson; Judson Harmon, one on the late John F. Follett, and A. S. McClure will speak on the late Martin Welker. The eleventh will be given over to the election of officers, appointment of committees and selection of delegates to the national association.

PENNSYLVANIA.

In the absence of President W. Horace Rose, John H. Brown presided over the meeting of the Cambria County Bar Association, held in the court house library, at Ebensburg, on the evening of June 2, at which all the present officers were re-elected, as follows: President, W. Horace Rose; vice-president, Alvin Evans; secretary, H. H. Myers; treasurer, Mathiot Reade.

The board of managers was constituted of the president and secretary of the association, as ex-officio members, and M. D. Kittell, R. S. Murphy and T. J. Itell.

The association passed a resolution authorizing the purchase of the Massachusetts State reports and the New York common law reports for the court library.

TENNESSEE.

The Bar Association of Tennessee was called to order at 10.45 o'clock, on May 26, in Watkins Hall, Nashville, by President J. H. Acklen, who welcomed the members to the city.

R. L. Bartels, of Memphis, treasurer, presented his report, which showed that the amount on hand July 19, 1901, was $247.91; admission fees and annual dues collected since that date, $381; total $628.91. The disbursements were $479, leaving a cash balance of $154.91.

Mr. Charles C. Trabune, of Nashville, presented the report of the committee on judicial administration and remedial procedure.

The committee presented drafts of bills prepared by it on the following subjects, which have heretofore been approved by the association:

1. An act to authorize the Circuit Court to fix rule days to which process may be made returnable.

2. A rule to permit continuances only upon special affidavit, the truth or falsity of which may be investigated.

3. An act to allow issue to be taken in certiorari cases upon the facts averred as ground for not appealing, and to make the return term the trial term.

4. An act to abolish pleas of the general issue and general denial.

5. An act making different periods of stay for different classes of judgments, according to the amount and nature of the demands.

6. An act to require an appeal in the nature of a writ of error to be special, and to limit the record, except in certain cases.

7. An act to allow depositions taken in shorthand to be certified and filed without the signature of the witness.

8. At its meeting of 1900 the association unanimously adopted a resolution expressive of its views that the salaries of our judicial officers were generally inadequate and should be increased prior to the election of 1902. Unfortunately, this has not been done, and under our present constitution an increase of salary cannot now inure to the benefit of the newly-elected judges. However, your committee believes that the matter should be kept before the association, and that appropriate legislation on the subject should be had as soon as possible.

9. The procedure in jury trials of having the charge delivered to the jury before the argument of counsel received the formal approval of this association, in 1900, and a special committee was appointed to prepare a bill for this purpose and to urge its enactment by the legislature. This committee did accordingly prepare a bill and succeeded in having it recommended for passage by one of the judiciary committees of the Legislature in 1901, but, because, perhaps, of other matters which engrossed the attention of the Legislature, the bill proceeded no further. Your committee heartily approves this measure and recommends that the same committee be continued to urge its passage before the next Legislature.

10. There are two subjects whose importance, it is believed, entitles them to be referred to a special committee of this association. One of them—the reform of our county court system—has been heretofore presented to the association by both this committee and by the committee on jurisprudence and law reform, and a concrete and practical solution of the problem should no longer be postponed. However willing your present committee might have been to take up this question, yet the brief time elapsing between its appointment and the meeting of the association made it impossible to give the subject the consideration which it requires.

11. The other matter referred to above is the discontinuance of separate chancery and circuit courts, and the system of judicial administration thereupon to be instituted. A proposed amendment, striking out of the constitution all reference to the circuit and chancery courts by name, was adopted by the last Legislature and is now pending. In the event that this amendment succeeds, there will then be needed important legislation in order to effect the proposed change. Your committee therefore suggests that a special committee be appointed for the purpose of considering and drafting such proposed legislation as will be needed, in order that it may receive the careful consideration of this association before the time arrives for enacting it into law.

The committee is composed of Charles C. Trabune, chairman; W. H. Harroll, J. C. Bradford, W. B. Swaney and J. C. Sweeney.

The greater part of the afternoon session was taken up in the discussion of the report of the committee on legal education and admission to the bar. It was the concensus of opinion that more stringent laws governing licensing of lawyers should be passed by the Legislature, in order that the standard of the bar might be raised. The report with recommendation that the matter be further pushed by the committee was adopted.

The association elected R. E. L. Mountcastle, Morristown, president, and Robert Lusk, Nashville, secretary and treasurer. Quite a number of new members were added.

The other officers were: Vice-presidents, East Tennessee, Judge T. Curtin, Bristol; Middle Tennessee, W. B. Bate, Shelbyville; West Tennessee, A. W. Day, Trenton. Central Council of the association, S. A. Champion, Nashville; John E. Wells, Union City; Horace Vandeventer, E. T. Sanford and S. G. Shields, Knoxville. M. T. Bryan, of Nashville, and W. A. Owen, Covington, were elected delegates to the National Association, and C. T. Boyd, Nashville, and R. Lee Bartels, Memphis, alternates. The Central Council will fix the time and place of the next annual meeting.

TEXAS.

A meeting of the Dallas Bar Association was held recently in Judge Nash's courtroom, for the purpose of providing for the entertainment of the State Bar Association, which is to meet in Dallas on the 2d of July.

Judge John L. Henry, president of the association, presided, and J. P. C. Whitehead acted as secretary.

It was urged that no time should be lost in organizing for the proper and creditable entertainment of the State Association, and upon motion the president appointed Thomas T. Holloway, W. M. Alexander and Charles Fred. Tucker a committee to appoint committees on arrangements, finance and reception. The committee appointed the following named gentlemen to constitute said committees:

Arrangements—A. P. Wozencraft, chairman; W. H. Clark, E. B. Perkins, J. E. Cockrell and Wm. Thompson.

Finance—John M. Avery, chairman; Frank Reeves, L. M. Dabney, J. W. Thompson and F. J. Bell.

Reception—W. J. J. Smith, chairman; W. L. Crawford, M. M. Crane, N. W. Finley and Wendell Spence.

University of Colorado School of Law.

The annual exercises of the law school of the State University were held on the afternoon of June 2, at the university auditorium. Judge Moses Hallett, of Denver, dean of the law department at the university, addressed the graduating class, and Hon. James W. McCreery, of Greeley, delivered the annual address.

The graduating class of 1902 comprise Louis A. Neill, Harry A. O'Connor, E. L. Williams, Jesse J. Saton, F. W. Stow, Stanley W. McCoppin, W. M. Appel, W. O. Peterson, J. W. Cummings, Harry Meyers, W. L. Strachan, Charles L. Blake, John C. Nixon and Frank Lewis.

WASHINGTON.

The Whitman County Bar Association completed its reorganization at Colfax recently, winding up the day's programme with a banquet. The meeting was held in the county courthouse, and R. L. McCroskey, who was elected president at the first meeting, presided. R. H. Kipp is secretary, and Thomas Neill vice-president, and R. F. Banker, treasurer. There were seventeen attorneys in attendance, and letters of regret were read from four others.

THE BAR AT LARGE.

Personal and Partnership Notes.

(Attorneys are requested to send notices of change of address, organization and dissolution of partnership, etc., for insertion. No charge is made.—Ed.)

New England States.

MASSACHUSETTS.

Boston.—Montgomery Rollins has retired from the firm of Montgomery Rollins & Co., and the remaining partners, G. B. Baker, C. B. Ayling and Philip Young, have formed a partnership under the firm name of Baker, Ayling & Co.

Boston.—Daniel A. Coyne, who has been practicing at Springfield, has opened an office at 1 Beacon street, Boston, and an evening office in Nobscob block, South Framingham.

Brocton.—Robert O. Harris, newly-appointed Superior Court judge, will retire from active practice, and the partnership of five years which has existed between him and A. F. Barker will be dissolved. Mr. Barker will continue the practice in the same office, and will probably make new arrangements in the interior fitting up and furnishing of the rooms. It is doubtful if a new partnership will be formed, for the present at least.

Fall River.—Charles P. Ryan and Henry F. Nickerson have formed a co-partnership under the firm name of Ryan & Nickerson. The offices at 26 Bedford street, second floor, have been fitted up for the firm's use.

Fall River.—Mayhew R. Hitch and Frank M. Sparrow announce their association for practice under the firm name of Hitch & Sparrow. They will occupy the offices in Ricketson block heretofore occupied by Lemuel LeB. Holmes.

Lawrence.—Hon. Charles A. DeCourcey, of Lawrence, who has qualified as justice of the Superior Court, withdraws from the firm of DeCourcey, Coulson & Cox and Congressman Knox and Hon. Guy W. Currier have associated themselves with Walter Coulson to conduct practice in connection with the firm of Knox & Currier, of Boston. Mr. Coulson becomes a member of the Boston firm.

The retirement of Congressman Knox from further service at Congress enables him to give his entire attention to the business and he will especially give his attention to the trial of causes.

Mr. Coulson will retain his active interest in the business in Lawrence, and in the courts of the county and commonwealth.

Messrs. Knox & Currier have succeeded in building up a large business in Boston before the Legislature and the courts. Mr. Currier will give his attention, principally, to the Boston end and Mr. Knox will make his headquarters at the Lawrence office. The business of the two offices will be consolidated under the firm name of Knox, Coulson & Currier.

Worcester.—Hopkins & Esty, composed of W. S. Hopkins, of Worcester, and Edward T. Esty, of Northampton, has taken offices in State Mutual building.

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Corporation Work a Specialty.

Middle Atlantic States.

NEW JERSEY.

Boonton.—The sons of the late Joshua S. Salmon will continue the practice of their father at the Boonton offices, next to the Bulletin office. Irving E. Salmon, of Morristown, will be here on alternate days.

Paterson.—William Nelson, formerly of the Paterson National Bank Building, has removed to 8 Church street, next to the Spicker's Building.

Paterson.—D. C. Bolton has moved back into his former offices in the Paterson Savings Institution building.

NEW YORK.

Cortland.—City Judge Rowland L. Davis has formed a partnership with Clayton R. Lusk. Their office will be continued in the old Randall Bank building, where Judge Davis has been located for the past few months.

Hudson.—Former County Judge L. F. Longley and Wm. M. Brownell, of Hudson, have formed a co-partnership. The firm will bear the name of Longley & Brownell.

Rochester.—Curtis FitzSimons has associated himself with Mayor A. J. Rodenbeck.

Syracuse.—The firm of Reynolds & Quinn, which has been located in the Wieting block for the past few months, has dissolved partnership by mutual agreement.

PENNSYLVANIA.

Butler.—McQuiston, Vanderlin & Wilson have moved their office to the rooms formerly occupied by R. P. Scott on the south side of West Diamond.

Punxsutawney.—The firm of Lex. N. Mitchell and W. B. Adams, of Punxsutawney, has been dissolved, Mr. Mitchell having purchased Mr. Adams' interest. Mr. Adams has gone to Detroit, Mich., where he will open an office and continue practice.

Pen Argyl.—S. Bruce Chase has opened offices in the bank building, Pen Argyl. He formerly practiced law at Halstead, Pa.

Williamsport.—The practice of the firm of H. C. & Seth T. McCormick will be continued by Seth T. McCormick.

Southern States.

GEORGIA.

Lexington.—Sibley & McWhorter is the name of a new firm. It is composed of Mr. Samuel H. Sibley, who has maintained an office both here and at Union Point for several years, and Hamilton McWhorter, Jr., of this place, they having formed a partnership.

MISSISSIPPI.

Natchez.—Chancellor W. C. Martin, appointed by the Governor, now United States Senator, A. J. McLaurin in 1896, has tendered his resignation to Gov. Longino, to be effective August 1. He resigns to resume his practice in this city.

Hon. E. E. Brown, a prominent young lawyer, member of the Mississippi House of Representatives, the Governor's staff and Colonel in the Mississippi National Guards, has been advanced by the local Bar Association for the office. Claiborne, Warren and Jefferson county officials also indorsed him for the chancellorship.

TENNESSEE.

Nashville.—It is understood that Judge J. W. Bonner, of this city, will accept the position of judge of the Court of First Instance in the Philippine Islands, recently tendered him, and that he will leave for his new post as soon as he can arrange his private affairs. Judge Bonner will be accompanied to the Philippines by his son, Moses H. Bonner, who will practice law in Manila.

VIRGINIA.

Norfolk.—George C. Cabell, Jr., and John N. Sebrell, Jr., announce that they have taken offices at 716 and 718 Citizens' Bank building, under the firm name and style of Cabell & Sebrell.

Wise C. H.—Hon. Rufus A. Ayers and Judge E. M. Fulton announce that they have entered into co-partnership with offices at Wise Courthouse and Big Stone Gap. Mr. J. H. Fulton, a son of Judge Fulton, and Hon. Harry J. Ayers, a son of General Ayers, will be also associated in the new firm.

Central States.

ILLINOIS.

Chicago.—Anson E. Meanor has been appointed Master in Chancery of the Circuit Court, to succeed the late Perry A. Hull. He is a lawyer with offices in the Stock Exchange Building, and had been associated with Mr. Hull until the latter's death.

Chicago. — Corporation Counsel Walker has appointed William D. Barge to succeed William H. Arthur, assistant corporation counsel, who retires to take up private practice. Mr. Barge is a native of Dixon, Ill.

Chicago.—Gale Blocki has removed to Suite 906 and 907 Ashland block, Tel. Central 1100.

Chicago.—Payne & Lasley (Wm. R. Payne and A. M. Lasley) have changed their location to 616 Ashland Block. Tel. Central 542.

Chicago.—Douglas C. Gregg has removed to 705 Roanoke Bldg., with U. S. Casualty Co. Tel. Main 3144.

Chicago.—Samuel A. Ettelson is now located in Suite 704 Ft. Dearborn Bldg. Tel. Central 2476.

Chicago.—E. S. Hartman has removed to Suite 409 Chicago Stock Exchange Bldg. Tel. Main 4733.

Chicago.—Adlai T. Ewing is now located in the Chicago Stock Exchange Bldg., Suite 409. Tel. Main 4733.

Chicago.—C. E. Becker, on motion of W. K. Haynes, was admitted to practice in the U. S. Circuit and District Courts recently.

Chicago.—Mason A. Bamborough, on motion of Clarence E. Fish; Walter A. Brandecke, on motion of S. P. Douthart, and Alan D. Kenyon, on motion of A. H. Graves, were admitted to practice in the U. S. Circuit and District Courts recently.

Chicago.—Albert N. and Edw. P. Eastman desire to announce that Mr. Frank White, who has been associated with them for several years, has been admitted to membership in their firm, and that they have removed their offices to Suite 906-7-8-9-10 The Temple, 184 La Salle street, across the hall from their former location.

Chicago.—Gen. John C. Black and his brother, William P. Black, both of Chicago, but formerly of Danville, have formed a partnership under the firm name of Black & Black. They have been practicing independently for a number of years.

Evanston.—Corporation Counsel J. E. Paden has formed a partnership with William H. Mybrea, formerly attorney-general of Wisconsin.

Peoria.—George Bell has opened an office here.

Springfield.—L. F. Hamilton has removed his office from Adams street, over Barker's art store, into the Hay Building, northeast corner of the square, and has formed a partnership with B. L. Catron.

Waukegan.—Arthur Bulkley, who for some years has been practicing in Michigan, is locating in Waukegan, where he will open an office.

INDIANA.

Brazil.—W. H. Kattman and H. E. Hicks have formed a partnership and the firm will be known as Kattman & Hicks. They occupy rooms 3 and 4 in the Hill Block.

Goshen.—Wilson Roose has arranged to again enter practice here and will occupy an office over the State bank.

Princeton.—The undersigned, W. E. Stilwell and Henry Kister, on June 12 formed a partnership and are located in the office of the former, south side of the square.

MICHIGAN.

Detroit.—William G. Manchester and George G. Prentis have formed a partnership under the firm name of Manchester & Prentis.

Mt. Clemens.—W. H. D. Fox and A. J. Parker have removed their offices to the new Slush Building, opposite the Court House. The firm of Fox & Parker has been dissolved owing to the election of Mr. Parker to the justiceship.

Pontiac.—Hymers & Brondige is the name of a new firm which has just been organized. John E. Brondige, who retires from the position of city clerk and Elmer E. Hymers, who was city clerk for the two years preceding Mr. Brondige, are its members. They have rented the office formerly occupied by George E. Beardslee in the Crofoot Block.

OHIO.

Dayton.—The offices of Patterson & Patterson have been removed to Rooms 702, A, B, C, Conover Building. Telephone, Main-1834.

Greenville.—The firm of Hoffman & Crawford has been dissolved by mutual consent.

Youngstown.—J. P. Wilson, M. C. McNab and J. J. Hamilton are the members of a partnership which became a reality on June 1. For the present they will occupy the rooms of Messrs. Wilson & McNab, on Wick avenue. Upon the completion of the Dollar Savings and Trust Company's building they will open up a suite of offices there.

Zanesville.—The firm of Adams & McDermott, of which Judge John J. Adams and Hon. T. J. McDermott were the members, has been dissolved. Messrs. Adams and McDermott will continue for the present to occupy their present offices in the McCormick Building, on North Fourth street.

WINCONSIN.

Chilton.—George C. Hume, a lawyer of Clinton, Wis., is about to receive a unique honor. He will be made chief of the Brothertown Indian Nation. Mr. Hume aided the Indians gratuitously in filing proofs of the validity of their claims against the Government, and in return they have elected the lawyer to the chieftainship of the nation. He will accept, as the office is merely a nominal one, and will not interfere with his other duties. The Brothertowns still maintain their ancient tribal relations, though they are amenable to the laws of the United States.

Western States.

CALIFORNIA.

San Jose.—William A. Bowden has forsaken his old quarters in the Bank of San Jose Building, and is now located in rooms in the building recently purchased from the Union Savings Bank by David Jacks.

Los Angeles.—Norman Williams, the well-known attorney of Pasadena, has become associated with the firm of Cochran & Williams, Rindge Building, Los Angeles.

OKLAHOMA.

Hobart.—Benjamin F. Paul is conducting a general commercial law business at Hobart, and represents most of the commercial agencies at this point.

Hobart.—P. H. McGuire and Howard Parker have entered into co-partnership.

SOUTH DAKOTA.

Pierre.—Governor Herried on June 11 issued a commission to W. G. Race, of Deadwood, as Circuit Judge of the Eighth Circuit Court, to fill the vacancy caused by the death of Judge Washabaugh.

WASHINGTON.

Whatcom.—Frank W. Smith is the latest addition to the legal bar of Whatcom county. He has opened offices in rooms 1 and 3 at 109½ East Holly street.

NEW YORK CITY BAR.

Matters of Interest to Attorneys Practicing Within the Limits of Greater New York.

(New York city attorneys are requested to send notices of change of address, organization and dissolution of partnerships, etc., for insertion. No charge is made.—Ed.)

Alexander & Quayle.

George H. Alexander and William Quayle, both well-known members of the Brooklyn bar, have formed a copartnership. The officers of the new firm are located at 367-73 Fulton street. Mr. Quayle was long associated with the late Charles J. Patterson.

Law Institute Election.

The New York Law Institute held its forty-seventh annual election in the Law Library of the Federal Building recently. The officers elected were: E. Henry Lacombe, president; John Clinton, Gray, George L. Ingraham and James C. Carter, Vice Presidents; Charles Edward Souther, Treasurer, and Jordan L. Rollins, Secretary.

Arrest of H. W. Grindal.

Herbert W. Grindal, a lawyer at 15 Wall street, and living at 26 McDonough street, Brooklyn, was locked up in Ludlow Street Jail on June 9, for failing to pay a fine of $250 imposed on him by Judge Lacombe, in the United States Circuit Court, for contempt, and also for failing to pay a debt of $1,719.93. Alfred W. Hartridge, counsel for Henry W. Haines, the receiver of the Middletown Paper Company, asked that Grindal be compelled to pay the amount of $1,719.93, which he had failed to pay his clients, and which Grindal had been paid on May 17, in settlement of an action.

Bar Association Purchases Lot.

S. Sidney Smith, as treasurer of the New York City Bar Association, has bought from Charles Banks, 41 West 43d street. It is a three-story dwelling house on a lot 22.6x100.5 feet, and it adjoins the home of the association. William J. Roome was the broker in the transaction.

It is not the intention of the association to use this property at once in connection with their present building, but when there is need for greater room than the association now has.

Ernest Hall Now a Judge.

Ernest Hall, who was a member of the Marine Court, which afterward became known as the City Court, has been appointed by Governor Odell as a judge of the Supreme Court to succeed the late Miles M. Beach.

Mr. Hall's selection was made at the earnest request of the republican county organization, and in deference to a general demand that at least one place on the Supreme Bench be given to a resident of the Bronx, which has long been unrepresented. The new judge has lived in the Bronx for many years, and is identified with many of the social and political organizations of that district.

Born in London, England, in 1844, Mr. Hall came to New York when five years old, and entered the public schools. He was about to begin the study of law in 1861 when the civil war began, and he enlisted as a private in the 71st New York Infantry. Subsequently he joined the navy. After his discharge from the service he entered the Law School of New York University, from which he was graduated in 1866. In 1881 he was elected a member of the Marine Court. He was renominated in 1887, but was defeated. Since his retirement from the bench he has been continuously in practice in this city.

Prof. Russell Returns to the Bar.

Isaac Franklin Russell, LL.D., professor of law in New York University, has returned to the bar after a truancy of many years. At his own request he has been relieved by the trustees of the university of all academic work in the morning and early afternoon, so that he will be able to devote his time to legal practice till a late hour in the day. He will continue in full service as a member of the university faculty of law, but has resigned the lectureship to the Woman's Law Class, which he has held for the past ten years. For a year or over Mr. Russell has been busy in almost all the local courts, and his engagements have become such that he has been compelled to relinquish many agreeable scholastic labors in order to devote himself properly to his accumulating tasks as counselor and advocate. Besides retiring from the work of the Woman's Law Cuass, Mr. Russell has secured relief from his post-graduate course in sociology at the university, his lectureship in law at the Brooklyn Institute, his work as chief law examiner for the International Committee of of Young Men's Christian Association, and various heavy literary engagements Prof. Russel lhas completed twenty-two years of active service in the work of university instruction, and among the thousands who have studied under his direction mightbe mentioned several members of Congress, a half dozen State Senators, and more than one Justice of the Supreme Court. He has an office in the Equitable Building at 120 Broadway, Manhattan, and is now a familiar figure in the courts and public offices of this city.

Unsanitary Court House.

Great uneasiness is felt among the Supreme Court justices over the sanitary conditions of the Courthouse. The death of Justices Beach and Andrews was more or less of a shock to the judges, the more elderly of whom have a positive dread of the ceaseless legal grind involved by the overloaded calendars in courtrooms which are poorly ventilated. One of the Supreme Court justices, in commenting on the situation, said recently:

"Justices Beekman, Smyth and Andrews died from overwork and bad air. Justice McAdams died on account of a cancer, which, of course, had only remote relation to overwork and ill ventilation. The deaths of Justices Beekman, Smyth and Andrews, however, ought to bring sharply to the attention of our city authorities the absolute necessity of providing wholesome quarters for the justices of the Supreme Court in this county, seventeen in number. The conditions have vastly changed within the last fifteen years. The whole system of judisprudence has become more and more complex, and the calendars in this department are fairly lumbered with an accumulation of cases well calculated to discourage any but a robust young judge. Justice Beekman was of a peculiar temperament. He never liked to let a decision go until he was entirely satisfied with it. This made him an exceptionally hard worker, and the bad sanitary conditions in the courthouse had a direct bearing on his physical condition. Justice Andrews was of a somewhat similar temperament. He put in long hours on the bench, and carried off the bench the more difficult legal propositions that came to him during the day. He could not lay aside his work, as it were. A judge possessing a temperament like this needs the most wholesome surroundings, because the legal grind will tire out the brain of the strongest man after a few years. The younger judges on the bench do not particularly notice the bad air of the County Courthouse, but all of the judges over fifty years of age are affected by it in a marked manner, and would welcome a change of quarters.

Judge Fursman's Retirement.

Justice of the Supreme Court Edgar L. Fursman, who was appointed a justice of the Appellate Division of the Third Deparment by Governor Odell on Jan. 1 of this year, and who has for the past five years presided over most of the terms of the Criminal Branch of the Supreme Court in this city, will, it was announced, upon his retirement from the Supreme Court Bench, on September 1 next, engage in the practice of his profession in this city.

Justice Fursman has formed a partnership with John T. Little, Jr., who has for the last eight years been in charge of the preparation of the cases brought against the Metropolitan Street Railway Company in behalf of that corporation. The firm will be known as Fursman & Little. Justice Fursman is now 60 years of age. He has been a justice of the Supreme Court for thirteen years.

AMERICAN CONGRESS ON TUBERCULOSIS.

The annual banquet of the American Congress on Tuberculosis was given at the Hotel Majestic, and was a very brilliant gathering. There were one hundred guests at the tables which were arranged so that nine were seated at each.

At the president's table, presided over by Dr. Henry D. Holton, the president, sat President Fornes, as guest of honor; Clark Bell, Esq., the retiring secretary, and his wife; the Countess and Dr. G. Bettini di Moise; Dr. E. T. Bartick, of Toronto; Prof. W. H. Brewer, of New Haven; Dr. C. S. Lindsley, secretary of the State Board of Health of Connecticut, and Dr. George Brown, of Atlanta, Ga.

After the coffee, and before the chairman called to order, Dr. George Brown, of Atlanta, called for attention, and alluding to the fact that the Secretary of the Congress, Mr. Clark Bell, had announced to the officers of the Congress that he should retire and not accept a re-election on account of his inability to give personal attention to the very exacting duties that had developed upon him in arranging for this

Congress, after paying a high tribute to Mr. Bell's great labor and ability in the past, asked leave to introduce before the regular work was taken up, Dr T. M. McIntosh, one of the delegates named by the Governor of that State to the Congress.

Dr. McIntosh made an eloquent address, complimenting Mr. Clark Bell in the highest terms for the great work he had accomplished by his personal and untiring efforts in organizing this Congress, and bringing it to the wonderful fruition that was now illustrated at this session.

Dr. McIntosh concluded by saying: "That he presented the large silver loving cup in the name of the medical profession of the United States, to Mr. Clark Bell, the Secretary and Treasurer of the American Congress on Tuberculosis, in recognition and appreciation of the work Mr. Bell had accomplished for humanity.

Mr. Bell seemed entirely surprised and to be much overcome. He spoke under great, but suppressed emotion and deep feeling. Mr. Bell ordered the loving cup filled with champagne of three different brands, and at the close of his remarks gave a toast to the success of the American Congress on Tuberculosis; which under its splendid and successful organization, completed at the session of that day on the report of its standing committee on a permanent organization, had entered upon a career, as he believed, of great usefulness for the future good of the race and the suppression by legislative action and the spread of education, not only among the masses of the people, but of both professions of law and medicine, who had co-operated in the labors that had been so signally successful in the Congress now in session.

The cup is about ten inches in height, and is of silver on an ebony pedestal. When the cup was returned after being tasted by every person in the hall, to the president's table, where Mr. Bell sat, he asked permission to present it to his wife, who was seated between the president and President Formes.

Permission was given with cheers, and Mrs. Bell gracefully kissed the cup as she received it from her husband's hands.

The president then called the tables to order and made a graceful speech of welcome to the delegates from foreign countries, and to the members, delegates and guests.

In allusion to the Congress, its aims and work, he felt that its success was now assured, and that its usefulness must be acknowledged by all.

At the close of his interesting address he introduced Mr. Clark Bell, secretary and treasurer, whom he complimented highly for his useful and efficient work as the toast-master for the evening.

Mr. Bell read letters of regret from President Roosevelt, Mayor Low, and explained that the absence of both the Governor and Lieutenant-Governor of the State had given the Congress the right to call on that officer, who under the charter of the City of New York, was acting Mayor when the Mayor was out of town, President Fornes, of the Board of Aldermen of the City of New York, who, under the charter becomes Acting Mayor when the Mayor was absent, and who was, in the absence of the Mayor, the guest of the evening.

President Fornes made a formal address of welcome to the Congress and apologized for not having done so at the opening of the Congress on the previous day, pursuant to his invitation, which he regretted not being able to do.

Mr. Clark Bell, the toast-master, then called upon representatives of different foreign countries and introduced Dr. E. T. Barrick, vice-president-at-large, and toasted the Government of Ontario, which had also sent an official delegate to the Congress, Dr. Oldright, and the Government of the Dominion of Canada. Dr. E. T. Barrick responded for the Province and the Dominion.

The Mexican delegate, Dr. Lope, then spoke in Spanish for Mexico and the delegate from Costa Rica interpreted his remarks. Then followed in succession speeches from Dr. Herrera, the charge-de-affairs from Uruguay; Consul General Juan J. Ulloa of Costa Rica, and the delegates from Hayti and Guatemala. On the call of the States Dr. C. S. Lindsley, of New Haven, Secretary State Board of Health, and Prof. W. H. Brewer, of New Haven, spoke for Connecticut; Dr. Geo. Brown for Georgia, a state that had twenty delegates in attendance; Dr. James E. Egan, of the State Board of Health, and Dr. Fairbrother, of East St. Louis, spoke for Illinois; Dr. Linn, President State Board of Health, spoke for Iowa; Dr. J. Wood Fassett for Missouri; Dr. Watson, Secretary State Board of Health, for New Hampshire; Dr. Samuel Bell Thomas for the State of New York; Dr. J. W. C O'Neal and Dr. M. K. Kassabian for Pennsylvania; Dr. C. O. Probst, Secretary State Board of Health, for Ohio; Surgeon W. C. Braisted for the U. S. Navy; Dr. H. Edwin Lewis for Vermont, and many others followed, and midnight appeared before the meeting broke.

The feeling was universal that the success of the Congress had been far beyond the most sanguine anticipations of its promoters.

OBITUARIES.

Abraham Van Santvoord.

Abraham Van Santvoord, a lawyer with offices at 111 Broadway, died at his home, 112 West 12th street. He was sixty years old and a son of Cornelius Van Santvoord, and a nephew of Commodore Van Santvoord. Mr. Van Santvoord was amember of the Holland Society and the St. Nicholas Club.

Stephen Philbin.

Stephen Philbin, a well-known lawyer, died at his residence, 139 West 76th street, on June 10. He was one of the oldest members of the Bar Association, and also of the board of managers of the New York Catholic Protectory. He was for many years one of the counsel of the Emigrants' Industrial Savings Bank. Mr. Philbin was graduated from Columbia College Law School in the year 1877, and was admitted to practice in the same year He was fifty-two years of age.

Randolph W. Townsend.

Randolph W. Townsend died on June 15 from general weakness. He was in his ninety-first year. He expired at the cottage of Chancellor MacCracken, of New York University, on University Heights, which Mr. Townsend had leased for the summer. He had been seriouly ill since he suffered a stroke of paralysis, three years ago. Up to that time he had been engaged in the practice of law in this city for over thirty-five years. His office was at 247 Broadway. He was at one time a member of the firm of Townsend, Dyett & Levy.

Rufus G. Beardslee.

Rufus G. Beardslee, a lawyer in this city for forty-five years, died on June 6, at his residence, 101 West 53d street. He was born in Rochester. In Albany for many years he was a partner of Judge Learned, and later of Judge Van Vorst, of this city. He was for twenty-six years a member of the Board of Education and its counsel. He was a member of the Century Club.

BOOK REVIEWS.

169 N. Y. (covering from Dec. 10, 1901, to Feb. 14, 1902). 68 and 69 App. Div. (January, February and March, 1902). 36 Misc. (September, 1901, to January, 1902).

We desire to acknowledge the courtesy of the official printer who has sent us these volumes.

The Law and Practice in Civil Actions and Proceedings in Justices' Courts and in Other Courts Not of Record and on Appeals to the County Courts in the State of New York. By William Wait, Vol. II of the seventh edition by Edwin Baylies. Published by Matthew Bender, Albany, N. Y. Price for three volumes, $19.

We have, as yet, to find a law office in the State of New York that does not contain within its library one, at least, of the many editions of this work. It is no exaggeration to say that along with the code and "Abbott's Forms" it constitutes the lawyer's vade mecum. Careful examination shows that Mr. Baylies has brought the work thoroughly down to date, so that, to use a hackneyed expression, "no lawyer can afford to be without it." Whether for making up a brief or in giving off-hand advice, we know of no work which so ably fulfills its purposes.

The Highway Law of the State of New York, with amendments to date. Price, $1. The Tax Law of the State of New York. Price, 50 cents. Published by Matthew Bender, Albany, N. Y.

The publisher is doing good work for the profession in issuing separate editions of the various New York codes. Thus, in the case both of the Tax Law and Highway Law, he has prepared a neat volume which will obviate the necessity of consulting the cumbersome Statutes at Large and Session Laws. All amendments up to date are inserted, together with complete index.

Jewett's Primary Election Law of the State of New York, complete with Amendments to date, including the Town Enrollment Act of 1902, with Forms and Complete Index. Price, $2.50. Published by Matthew Bender, Albany, N. Y.

The publisher announces that the above is taken from Jewett's Manual for Election Officers and Voters, which has been for the past ten years the leading work in this State on the conduct of elections and the powers and duties of election officers. The present pamphlet is not, however, in any sense a substitute for this valuable work, but is issued in its paper-bound and compact form for the convenience of primary election officers and the members and officers of political committees and conventions. The publisher has had prepared a complete index, which will aid materially in its use, and has also inserted the Town Enrollment Act of 1902, which, when adopted by the general county committee of a political party, will become in force in many counties of the State.

Mathew Bender, of Albany, announces the fifth edition of Bliss' Annotated Code of Civil Procedure of New York. This is complete in three large royal octavo volumes. Price, $22.50 net.

It is not a mere reprint of the former edition, but has been thoroughly revised and in every particular brought down to date. It is printed from entirely new plates, the type having been reset from beginning to end.

An exhaustive index to the entire work is given in the third volume, covering fully the subjects of the respective sections of the code, as also of the notes and of the acts on practice, enabling any desired point to be easily referred to.

The printers and editor are doing their work as fast as every facility and exhaustive treatment and good work will permit, and the publishers are confident that this edition of Bliss' Code will be, as heretofore, the best Annotated Code offered the legal profession.

The Highway Law of the State of New York. By H. Noyes Greene; second edition by L. L. Boyce, of the Albany bar. Published by Matthew Bender, Albany, N. Y. Price, $4.

The important changes and additions in the statutes since the first edition was published, as well as the decisions construing them, have made it necessary to issue a new edition. This work contains in full all statutes and parts of statutes relating to the highway laws of the State of New York. Special attention is directed to the articles on "Good Roads," "Grade Crossings," "Sidepaths," "The Automobile Law," the new article on "County Supervision of Highways," etc.

This new (second) edition has been rearranged and divided into chapters, new forms added and notes and decisions brought down to date.

It is an invaluable aid not only to the lawyer in his every-day practice, but a complete manual for commissioners and overseers of highways, boards of supervisors, town boards, village trustees, bicyclists, owners of automobiles, and all who are interested in good roads.

Some of the important subjects treated are: Highway assessments, laying out highways, liability for defective highways, bridges, ferries, the new (1902) law of the road, private roads, trees and fences, how to secure State aid under two systems, grade crossings, automobile registration, county supervision, duties of officials, etc.

Probate Reports Annotated. By George A. Clement, of the New York bar, author of Clement's Digest of Fire Insurance Decisions. Vol. VI. Published by Baker, Voorheis & Co., New York City. Price. $5.50.

The publishers have appropriately said that this series of reports contains "the cream of probate law." Each volume gives about one hundred cases in full from the highest courts of the different States on matters pertaining to the law of wills and the administration of the estates of deceased persons.

The importance of this series of reports will be recognized when it is considered that during every generation four-fifths of the entire real and personal property of seventy millions of people passes under the absolute control of the probate jurisdictions of this country. Some adequate idea may therefore be formed of the immense and increasing importance of this particular branch of our substantive law.

The notes and references by the editor are numerous and exhaustive, and form an important feature of these volumes. The decisions of the courts of different States are collected and collated, so as to prevent any diversity of judicial opinion on the subject under consideration.

Contained in the present volume are discussions on the questions of advancements, partnership, interest of deceased partner in partnership, perpetuities, survivorship in common disaster, and a particularly excellent article on the testator's body as subject to his will. There are many others, but these appeal to us as being of particular interest. The author has certainly ransacked heaven and earth for cases, as we have rarely seen so complete and satisfactory a compilation.

Reports on the Law of Civil Government in Territory Subject to Military Occupation by the Military Forces of the United States. Submitted to Hon. Elihu Root, Secretary of War, by Charles E. Magoon, Law Officer, Division of Insular Affairs, Office of the Secretary, War Department. Published by order of the Secretary of War.

Mr. Magoon should be congratulated on the work which he has prepared, for it evidences the most painstaking care and attention throughout. To the international lawyer it will be invaluable, and Secretary Root certainly did a very wise thing in having this printed for the use of the offices concerned in the government of the islands. Lack of space prevents us from giving an extended review of the various subjects treated. One of the best is an account of incidents in the history of the United States involving the doctrine that the constitution and laws of the United States extend ex proprio vigore over newly acquired territory upon the acquisition being completed. The first incident to which attention is directed is that presented by the debates in Congress ensuing upon the Louisiana purchase treaty being communicated to that body, which incident may be termed very appropriately "The charge of imperialism preferred against Thomas Jefferson."

This charge was preferred against Jefferson by the opponents of his course in acquiring Louisiana and was pressed with equal vehemence by members of his own party and his political opponents. The anti-expansionists of those days were certain that the course pursued by Jefferson, Madison and Monroe in securing Louisiana had violated the constitution, perverted the principles on which this government is founded, destroyed the rights of man, and imperiled the continued existence of the republic. They

exhibited quite as much alarm as do the anti-expansionists of to-day.

The cry of imperialism raised against Jefferson was based upon the charge that by the treaty of purchase he had attempted to incorporate Louisiana into the United States and to confer upon Louisiana and its inhabitants, without the aid and consent of Congress, the rights, privileges and benefits created and guaranteed by the constitution.

In those days everybody conceded that the President and Senate could not incorporate foreign territory into the United States by an exercise of the treaty-making power, any more than he could transfer one of the States to a foreign power by agreeing to a treaty containing such stipulation.

Neither could the President and Senate confer upon individuals the right to participate in this government and exercise the powers of citizenship.

It was universally held that if these things could be done at all they must be accomplished by legislation; that the legislative powers must be invoked, and the House of Representatives and the Senate must exercise their legislative functions in regard thereto. That the President, acting with the advice of the Senate, and exercising only the authority to make treaties, should be able to accomplish this result, was declared to be absurd and a usurpation of authority possessed by kings and kings' councils, but not vested in the President and Senate of the United States.

The treaty for the purchase of Louisiana was assailed as an act of imperialism because it did not contain the reservations found in the late treaty of peace with Spain, and the Jefferson administration was assailed as imperialistic because it was alleged to have attempted to do what the McKinley administration refused to do.

Jefferson repelled the charge by showing that he was pursuing the course which was subsequently followed by the McKinley administration.

In Jefferson's day the charge of imperialism was one to conjure with. Jefferson had used it against his opponents and did not relish its application to himself.

That Jefferson was an expansionist admits of no denial. His greatest glory was derived from the acquisition of Louisiana and his greatest humiliation resulted from his failure to secure West Florida.

When Jefferson was the American Minister at Paris in 1786, he gave expression to his views on the future policy of the United States as to expansion, as follows:

"Our confederacy must be viewed as the nest from which all America, North and South, is to be peopled. We should take care, too, not to think it for the interest of that great continent to press too soon on the Spaniards. These countries cannot be in better hands. My fear is that they are too feeble to hold them till our population can be sufficiently advanced to gain it from them piece by piece. The navigation of the Mississippi we must have. This is all we are, as yet, ready to receive." (Writings of Jefferson, edited by H. A. Washington, Vol. 1, pp. 517-518.)

Sociologic Studies of a Medico-Legal Nature. By Louis J. Rosenberg, LL. B., Associate of the Victorian Institute, London, Eng., Michigan Delegate to the American Congress of Tuberculosis (1901), etc., and N. E. Aronstam, M. D., Ph. G., Assistant in Chemistry and Dermatology, Michigan College of Medicine and Surgery, etc. With introduction by Hon. Clark Bell, LL. D., President of the Medico-Legal Society. Pages 142. Bound in red cloth. Price, $1 net. G. P. Engelhard & Co., Chicago. 1902.

We enjoyed reading this volume of short essays, even if the make-up of the book is of that new fangled sort, according to which the edges of the pages are made to look as if the mice had been at them. However, that is soon remedied, for as soon as we receive a book fixed up that way we immediately send it up to our friend, the foreman, and he puts it in the cutting machine and lops off the surplusage. Then we have a book that we can read with some degree of pleasure. However, this is somewhat beside the subject, although, of course, it induced a momentary feeling of exasperation when the book was taken up.

The following subjects have been considered by the authors: Crime, The Drink Evil, Euthanasia, Stirpiculture, The Education of Feeble-Minded Children, Premature Burial, Amnesia, A Contribution to the Study of Suicide, and Tuberculosis.

One of the best, if not the best, is that on Euthanasia. The authors take as a text the address of Judge Simeon E. Baldwin, delivered before the American Science Association, in which he urges that physicians should not unduly prolong life. In other words, when a patient is in frightful agony and cannot, under any circumstances, recover, death should mercifully be permitted to come to his relief. It cannot be said that such a doctrine is altogether vicious. At the same time it has always appeared to us that it would place altogether too dangerous a power within the hands of the medical fraternity. There are weak and unscrupulous physicians, as there are weak and unscrupulous lawyers and clergymen, although it may savor of rank heresy to include the latter. As the authors very well put it:

"Human beings are presumptuous. Make no restrictions and matters will run riot. Society, in order to maintain and protect itself, cannot rely on the judgment of certain individuals. The law, therefore, laid down hard and fast rules, which every one, without exception, must obey. Human beings are weak; temptations are great. Should the law be silenced on this point, some physicians might, under the pretense of doing a merciful act, really commit a deed of felony. Let us illustrate. An old man, very wealthy, is suffering from an advancing heart disease. He has an unlawful child, to whom he thinks to bequeath his estate. He also has a nephew, who is nursing him, and who is aware of that fact. This nephew is very anxious to possess himself of this old man's estate. Something must be done to prevent the old man from carrying out his intentions. The attending physician is a poor man. The nephew offers him a thousand dollars to apply euthanasia. The physician yields to the temptation. He hastens the old man's ascent to heaven, and a double wrong is thus committed, to wit, a life is taken and a rightful heir deprived. It is thus seen that the permission of the application of euthanasia would not infrequently be a paving of the way to injustice and crime."

Personally, we believe that a means of obviating the difficulty might be found in an application of the proverb that safety lies in numbers. What one physician might not be entitled to do might be permitted to three. Were the law to permit the attending physician, with the assent of two of his colleagues, to allow the patient to die, assuming, of course, that said patient himself agrees, we believe that the reform would be a beneficial one. Of course, this would be entirely contrary to the Hippocratic oath, but if the Hippocratic oath is contrary to common sense and reason, then we believe that it is high time that it should be amended.

Another interesting article is upon crime. According to the author's view, this depends upon one or more of the following factors, as viewed pathologically:

First, Morbid conditions of the brain due to disturbances of the circulation.

(a) Conditions due to lack of proper blood supply.

(b) Conditions due to increased activity of the circulation.

Second, Morbid conditions due to a conversion of highly specialized cellular elements into cells of lower grade structure and vitality. It is in this last case that criminal inclinations are likely to arise. To illustrate: In the centre of intellectualization, situated in the frontal lobes of the brain, there are centres governing virtue. Should pathological processes arise in them from any cause, the opposite of virtue will be the subsequent outcome. The characteristic activity of these centres is abolished, and new ones have sprung up which, though abnormal and morbid, will, nevertheless, be accompanied by their respective inferior manifestations.

Viewing psycholcgically, we may say, in the words of Prof. Ferri, that "the psychology of the criminal is summed up in a defective resistance to the criminal tendencies and temptations, due to that ill-balanced impulsiveness which characterizes children and savages."

We thus see that, according to all scientific investigations, crime is a disease; hence the criminal, as previously suggested, needs treatment, not punishment. The march of progress, however, is slow. Civilization only advances by curves. Pope Clements XI, as early as 1704, founded a hospital at Rome, where the following inscription appears on one of the walls: "Parum est coercere improbos poena, nisi probos efficias disciplina."

LAW SCHOOLS.

Western Reserve University Law School.

The alumni of the Western Reserve University Law School met on the evening of June 10, at the Hollenden Hotel, and held a banquet in celebration of the tenth anniversary of the founding of the school. One hundred and twenty-five alumni, members of the board of trustees, and the law school faculty were present. After the banquet Hon. C. W. Stage officiated as toast master, and toasts were responded to by R. B. Newcomb, George B. Siddall, Hon. J. M. Garfield, E. H. Hopkins, Andrew Squire and President Charles F. Thwing.

Chicago College of Law and Kent College of Law.

The annual commencement exercises of the law department of Lake Forest University, embracing the Chicago College of Law and the Kent College of Law, was held on June 7, in Association auditorium. The degree of bachelor of laws was conferred on sixty-eight graduates.

Several prizes were awarded, among them being one for the best thesis prepared by a member of the third-year class on the subject of "The Constitutional Guaranty of the Due Process of Law." This prize was awarded to Ralph Dillenbeck. A prize to the third-year student attaining the highest general proficiency was won by Vail Bucklin.

H. H. Barnum received the faculty prize of a scholarship for one year for the highest general proficiency during the second year. The scholarship for general proficiency for the first year was awarded to Leroy W. Holder.

University of Maryland—Department of Law.

Fifty-eight graduates received their diplomas at the thirty-second annual commencement of the department of law, University of Maryland, held on the evening of June 2, at the Academy of Music.

Bernard Carter, provost of the university, presided. He first introduced the Rev. John Timothy Stone, who offered prayer, and John Prentiss Poe, dean of the faculty, read the mandamus.

Mr. Carter then conferred the degrees.

Dr. Guy Carleton Lee, of the Johns Hopkins University, delivered the address to the graduates. The study of law, he said, was "cause and effect," and that idea should always be uppermost.

The $100 prize offered by the university to the student making the highest grade in all branches was awarded to Edwin Trundle Dickerson, and the second prize, for the best thesis, was given to Charles Pielert.

Following the commencement exercises, the banquet of the graduating class was held at the Hotel Rennert. S. Downing Cox was chairman of the banquet committee.

John Marshall Law School.

The first commencement exercises of the John Marshall Law School were held on the evening of June 16, at Handel Hall, Chicago. After an invocation by the Rev. Frederic E. Dewhurst, the secretary of the school, Mr. Lee, in his introductory remarks, traced the history of the school from its foundation three years ago, and told how it began the first year with only three students, only first-year men being received. During the first year fifteen students were enrolled, during the second thirty-five, and during the year just closed seventy-two students were registered, the attendance having more than doubled since the school was organized. He explained the system of instruction in vogue at the school as one combining the "Dwight" or text-book, and the Harvard or case system of instruction. The John Marshall is the only evening school in the West carrying out this plan of instruction.

The degree of Bachelor of Laws and certificates of time attendance were awarded to Edmund S. Carr, Harry A. Cohen, Isadore Fried, Michael Gesas, Richard Goldsmith, Samuel Grodinsky, Jeremiah A. Holland, Willard Moffet, Arthur H. Pugh, Louis Silverman, John G. Tucker and Henry G. Zander.

Detroit College of Law.

The tenth annual commencement of the Detroit College of Law took place at the Detroit Opera House on the evening of June 13. Dean Philip T. Van Zile presided and presented diplomas to sixty-nine graduates.

The opera house was crowded. The following were the orators of the evening: "Law and Politics," William Van Dyke; "Attorney and Public," Homer C. Van Aken; "Cecil Rhodes," William Kelly; "A Peaceful Nation," George E. Ruehle; "Wanted—Men," Robert E. Barmour. Herbert MacO. Bierce was the valedictorian. Robert M. Brownson, president of the graduating class, made the salutory address. After the commencement a lunch was served at the Fellowcraft Club, and a vaudeville entertainment given.

Indiana Law School.

The commencement exercises of the Indiana Law School were held at the Grand Opera House, Indianapolis, on May 28, and Addison C. Harris conferred degrees upon fifty-five graduates.

The address to the class was delivered by Noble C. Butler, on "The Civic Value of the Lawyer." He dwelt on the unswerving integrity of Coke.

James A. Rohbach, dean of the school, announced the prizes won by the seniors and juniors. Fred. McCallister, of Shannondale, won the first senior prize for thesis and classroom standing—a set of "Encyclopedia of Pleading and Practice." Frank Seidensticker, of Indianapolis, won second prize, "Bouvier's Law Dictionary." Willard B. Gemmill, of Rigdon, and J. Clyde Hoffman, of Dublin, received honorable mention.

Joseph W. Hutchinson, of Thornton, and Arthur D. McKinley, of Muncie, tied for the first junior prize—a free scholarship for the senior year. It will be divided between them. Newman N. Hipskind, of Wabash, won the second junior prize—"Elliott's General Practice." Walter E. Cooper, of Wilkinson, won the third junior prize—"Andrews's American Law." Robert H. Williams, of Fincastle, received honorable mention as a junior.

Ensley W. Johnson, of Nora, stood highest in the special examination on "Blackstone's Commentaries," and received a set as a reward.

Noble C. Butler administered the oath of admission to practice in the Federal Court, Judge Henry Clay Allen the oath for the Marion Circuit Court, and Judge John L. McMaster the oath for the Marion Superior Court.

New York Law School.

At the commencement exercises of the New York Law School in Carnegie Hall, on the evening of June 12, one hundred and forty graduates received the degree of LL.B. The degree of LL.M. was conferred on thirteen lawyers. The center of the hall was occupied by the members of the graduating class. On the platform with Dean Chase were the members of the committee that had charge of the exercises, Mr. Seth Bird being the chairman.

The Hon. Leslie W. Russell, LL.D., of the Supreme Court Bench, delivered the address to the class. He told of the success made by several prominent lawyers whose beginnings were humble. He advised the members of the class not to consider their studies finished, but as begun. He told them to keep on reading, and declared that while a fluent tongue is a good thing, it is useless when accompanied by a stuttering brain. A lawyer, he said, had to know something of everything.

Thomas S. Ormiston, of the Board of Trustees, presented a number of prizes which were awarded for excellence of thesis on assigned legal subjects and answers to a variety of legal questions. The recipients were as follows:

First prize, $150—William W. Robinson.

First prize (Evening Department) $100—Herman B. Lehlbach.

Second prize, $100—Robert W. Bernard.

Third prize, $75—Mansfield W. Ehrich.

Prize tutorship (salary $500 a year for three years)—Henry E. Ackerson.

Yale Law School.

At the commencement meeting of the Yale corporation the gift of $5,000 from members of the class of 1887 was accepted. The purpose of this gift is the establishment of a scholarship in memory of John Bennetto. The beneficiaries of this schoalrship, two in number, will be appointed each year from the junior class in the academical department and such beneficiaries shall be Bennetto scholars for the last two years of their course, making one scholar on this foundation from each senior class at graduation. Sound and strong character, marked ability and high standing in the college world and in the estimation of classmates are to constitute the basis of award.

In addition to a large number of reappointments and minor appointments, the following important changes in the faculty list are to be noted: Walter B. Clarkson, a graduate of Johns Hopkins University and now a resident of Jacksonville, Fla., becomes assistant professor of contracts in the Law School. Dr. Kreider, instructor of physics in the academical department,

is advanced to a full professorship. Alfred Akerman, a graduate of the University of Georgia, and Roy Marston, a graduate of Bowdoin College, both members of this years' graduating class in the Forest School, are to return next year as instructors in forestry. Arrangements have been made for the university giving assistance to students for the publication of Ph. D. degrees of distinguished merit.

Illinois College of Law.

At the graduating exercises of the Illinois College of Law, held on June 12 in Handel Hall, the degree of bachelor of laws was conferred on thirty-five young men and that of master of laws on three men and one woman by President Howard N. Ogden.

The following were the recipients of prizes: Arthur G. Manning, Lyndon, Ill., $50 prize for best scholarship in freshman class; Hans L. Howard, Chicago, $50 prize for best scholarship in junior class; Frederick S. Abraham, Geneva, Ill., $100 prize for best scholarship in senior class; Frank E. Herrick, Wheaton, $50 faculty prize for best thesis by member of senior class, the subject being "Legal Status of Intoxicating Liquors in Illinois," and Simon T. Sutton, Chicago, set of "Elliott's General Practice" for best scholarship in senior practice course.

Lawrence Y. Sherman addressed the graduating class, outlining the general status and responsibilities of the lawyer of to-day, who, he said, had become more a man of business and less a member of a learned profession than was the lawyer of twenty or thirty years ago. He urged upon the young men receiving their diplomas that they cultivate the virtue of patience, saying that the time spent in waiting for clients was never wasted if employed in study of the principles back of laws and of history.

Grant University—Department of Law.

The closing exercises of the law department of Grant University were held on the evening of May 29 in the main chapel of the university building in the presence of a large number of the friends of the graduating young men as well as of the institution. An excellent programme had been arranged.

The event of the evening, from the standpoint of the graduating class, in the oratorical line, was the effort of Jason V Baker, the class orator. He has a clear, strong voice and good delivery. He referred feelingly to the leave-taking with his classmates as well as the faculty.

He made an earnest appeal to his fellow graduates for a higher and nobler life; paid glowing tributes to the city, the university, his classmate, the faculty and closed in this strain:

"Let us be earnest and practical, and deal with facts and circumstances as they really are. Whatever can be done and is worth doing, let us do with dispatch; what cannot be done or would be useless when done, leave for the idlers and dreamers along life's great pathway. Oh! may we set our standards high and strive for all that is good and noble in our profession. Remember, every man is the architect of his own building, his own temple of fame. If we build one great, glorious and honorable, the reward and the bliss shall belong to us."

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Capt. Chamberlain, president of the Board of Trustees, was humorous in his remarks from the standpoint of the client. He said the client was to be pitied, sometimes, but he was a very necessary adjunct to a lawyer's success.

United States Judge C. D. Clark was unable to be present on account of having been called to Cincinnati on legal matters that could not be postponed. In his stead Major Evans spoke briefly and pleasantly to the students before making his address of the evening. He told of how the programme was arranged for the purpose of having a successful lawyer who had risen to the place of federal judge tell them how he had done so, and of the idea of having a successful business man tell them how he had been successful in selecting his attorneys.

President Race called the class to the platform and presented each with his diploma and degree of bachelor of laws, after which Rev. J. Richards Boyle, of Pennsylvania, invoked the blessing of God on the young men, their life work and the audience.

Columbia University—Department of Law.

The eighty-first annual commencement exercises of the law department of Columbian University took place on June 3 at the National Theatre, Washington, D. C.

The theatre was attractively decorated with the national colors. They were draped around the balcony and across the boxes, while the faculty and graduates occupied the stage amid a perfect bower of palms and clusters of bright flowers, the latter being tributes from friends of both professors and students of the universtiy.

PROMINENT LAW SCHOOLS.

The following is a list of the most prominent law schools throughout the country. Representation in this list will be accorded to law schools, etc.

ALBANY LAW SCHOOL.....Albany, N. Y.
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Atlanta Law School.....Atlanta, Ga.
Baltimore University Law School.....Baltimore, Md
BOSTON UNIVERSITY LAW SCHOOL.....Boston, Mass.
Buffalo Law School.....Buffalo, N. Y.
CHICAGO COLLEGE OF LAW.....Chicago, Ill.
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Columbia College Law School..New York City, N. Y.
CORNELL UNIVERSITY COLLEGE OF LAW.Ithaca, N.Y
Denver University Law School.....Denver, Colo
Detroit Law School.....Detroit, Mich.
Garfield University Law School.....Kansas
HARVARD LAW SCHOOL.....Cambridge, Mass.
ILLINOIS COLLEGE OF LAW.....Chicago, Ill.
Ill. Wesleyan Univ'sity Law School..Bloomington, Ill
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.....Charlottesville, Va.
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Louisville University Law School.....Louisville, Ky.
New York Law School.....New York City, N. Y.
Richmond College, Law Dept.....Richmond, Va.
SOUTHERN NORMAL UNIVERSITY COLLEGE OF LAW
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University Extension Law School.....Chicago, Ill.
University Law School.....New York City, N. Y.
St. Louis Law School.....St. Louis, Mo.
Tulane University Law School.....New Orleans, La
University of Maryland, Law Dept....Baltimore, Md
University of Texas, Law Dept.....Austin, Texas.
Univ'sity of Pennsylvania, Law Dept.Philadelphia, Pa
WASHINGTON AND LEE UNIVERSITY SCHOOL OF LAW.....Lexington, Va.
Western Reserve Univ'sity Law School..Cleveland, O.
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There were eighty-seven bachelors of law, fourteen masters of patent law, twenty students who received the degree of master of laws, five masters of diplomacy, and fifteen who were awarded the degree of doctor of civil law. Among the latter was Jose Celering Abreu, who has the degree of A. B. from the Anntenco Municipal College, Philippine Islands, and who is numbered among the most proimsing graduates of the institution.

While everyone in the big auditorium was greatly interested in the presentation of diplomas the most interest was centered in the awarding of prizes which did not occur until after the exercises. The prize which occasioned the most concern was that of $100 offered to the student who could show the best average for three years. This award went to George Carroll Todd, of Virginia, amid the tumultuous applause of his fellow students and that of his numerous friends in front. The other prizes included a sent of encyclopedias for the best thesis on the Federal Constitution, which was presented to Tyler A. Baker, Kentucky. George W. Burton, of Illinois, received the $40 prize for the best essay on "Trial and Jury;" Herman Teufel, of Pennsylvania, the $30 prize, and Corridon H. Trickey, District of Columbia, the $20 award. The David S. Hendrick memorial prize of $35 in gold for the best essay on "Insurance Law" was awarded to Herbert B. Fuller, and James D. Talbot, of Illinois, received the Edward Thompson Company s prize, a set of encyclopedias.

The presentation of degrees was made by Dr. Samuel H. Greene, president of Columbia University The address of the evening was delivered by Hon. Albert J. Beveridge.

During the evening several musical numbers were rendered by the orchestra, and within two hours from the opening number Columbian Unveriisty had closed another year, and the country had enrolled 141 lawyers at its bar.

Buffalo Law School.

A constantly decreasing attendance of students in the law school of the University of Buffalo compared with the other departments of the university has resulted in a complete re-organization of the faculty According to a request emanating from the Board of Control, consisting of Adelbert Moot, John G. Milburn and Tracy C Becker, the teachers and lecturers all handed in their resignations some days ago.

One result is that Mr. Moot steps out as dean of the university and is succeeded by Christopher S. Tiedeman of Yale.

The changes in the re-organization are, so far as completed, as follows:

Adelbert Moot resigns as dean of the law department, but will continue his lectures on the "Law of Evidence."

Christopher G. Tiedeman is the new dean of the law department.

E. Corning Townsend resigns as secretary of the school, but will continue as treasurer and as a lecturer on "Domestic Relation and Marriage and Divorce." An employe will be secured to take charge of the registration, which formerly fell to the secretary.

Charles B Sears will not act as one of the special lecturers next term.

The other members of the old faculty will probably accept the old places. It is understood that a number of prominent Buffalo attorneys will be sceured to make up any deficiency that may exist.

The faculty of the Buffalo Law School is made up of attorneys who are practicing almost daily at the bar. For this reason it was found that they were never able to give their full attention to either the school or their private practice. As a result the school received less attention than it should and the students observed this and gradually fell away in numbers. Furthermore, owing to prosperous business conditions, many who might have continued their courses, embarked in business.

When the reorganization was found necessary the Board of Control decided to secure new management. Mr. Moot after some looking around selected Mr. Tiedeman as well fitted to occupy the position of dean. Then the resignations of every member of the faculty were asked and received, in order not to embarrass the new dean by giving him a corps of workers with whom he was unfamiliar and not of his own naming.

Outside of the teachers heretofore mentioned, the members of the faculty this year will include John G. Milburn, lecturer on "Powers and Trusts;" Le Roy Parker, lecturer on the "Laws of Sales;" Charles P. Norton, lecturer on "Elementary Law, Municipal Law, Law of Contracts, Negotiable Bills and Notes and Code Practice;" Carl T. Chester, lecturer on "Special Actions, Surrogate's Practice and the Law of Insurance;' Martin Clark, lecturer on "Maritime Law and Jurisdictions of the Federal Courts;" Charles B. Wheeler, lecturer on the "Laws of Corporations and the Transmission of Real Property;" Loran L. Lewis, Jr., lecturer on the "Laws of Liens;" James L. Quackenbush, lecturer on the "Law of Torts," and the following special lecturers:

The Hon. Loran L. Lewis, late justice of the Supreme Court; the Hon. Edward W. Hatch, justice of the Supreme Court; the Rev. Thomas R. Slicer, of New York, and the following members of the Buffalo bar: J. Henry Metcalf, George S. Potter, William Macomber, John Cunneen, William H. Hotchkiss, August Becker, Wallace Thayer, William B. Wright, Jr., Mulsby Kimball, George H. Minor, Frank A. Abbott and James McCormick Mitchell.

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National UUniversity—Department of Law.

Twenty students of Howard University received their diplomas at the Congregational Church, Washington, D. C., on May 26.

Although 7:30 o'clock was the hour set for the beginning of the commencement, an hour slipped away before the church was crowded, and the graduates filed slowly in, preceded by the faculty.

The orchestra pealed forth a march as the students entered and filed to the platform, about which decorations were profusely spread, while flowers in abundance decked the seats on either side. The faculty occupied seats on the platform, and before them, ranged to the right and left in two rows, sat the graduates, in whose honor the commencement was held.

The exercises opened with music, and Harry A. Clarke, of New York, delivered an oration. The subject chosen was "Equality." Mr. Clarke defined equality as justice, right and equal laws, and the quality of fairness in dealing with the whole people. He spoke for ten minutes, and his address was received with applause.

Louis C. Gregory, A. B., spoke for some time on "The Growth of the Peace Laws," and Senator Thurston followed in a masterly address to the graduating class. In part, Senator Thurston said:

"You, graduates of Howard University, now come face to face with the world; its tribulations and distresses. You are to be the law's defenders; perhaps the law-makers, for every lawyer by reason of his peculiar training must face the responsibilities of the people. To you will be confided much, and it will be your duty to protect and defend the innocent and denounce the guilty. Be honest with your profession, that you may be honest with yourself, and thus build up a reputation which will stand you in good stead.

"But there is another thing of which I would speak. It is of the racial prejudices so apparent over the world. You men must face them, and it will be a hardship, although the law recognizes no color line in the administration of justice. It will be your duty then to command equality where equality is due, but you will so do it as to lead to the everlasting progress of the race you represent. Modern civilization gradually pushes onward, and the day will come when a man will be a man all the world over, despite color, race or nationality. I say to you, young men, go forth; use power with judgment; uphold the weak and protect the innocent in the ways that are just."

Dr. J. E. Rankin, president of the university, conferred the degrees upon the graduates after Senator Thurston had finished speaking. He urged the young men to be honest lawyers, and to profit by the advice of Senator Thurston, whose ability had brought him to the highest legislative body in the land. The exercises closed with a benediction.

Harvard University—Department of Law

Gathered upon the stage of the National Theatre at Washington, D. C., on the night of May 31 was the largest class that has ever received degrees from any similar institution south of New York. It was the graduating class of the law school of the National University, numbering 145 students

The occasion was made additionally memorable by a characteristic address by Senator Chauncey M. Depew.

The stage was crowded, the immense class occupying the centre and left, while the remaining space was given up to the members of the faculty, prominent among whom was Commissioner Foulke, of the Civil Service Commission; Eugene D. Carusi, the dean of the faculty; Gen. George V. Davis, the judge advocate of the United States Army; Assistant Secretary of the Treasury Milton B. Ailes, Assistant Secretary of the Interior Campbell, Samuel V. Proudfit, the first assistant attorney for the Interior Department; Henry E. Davis, Jackson H. Ralston, C. C. Tricker, F. L. Siddons, Charles Francis Carusi, and George A. King, upon whom during the evening the degree of LL. D. was conferred.

Senator Depew occupied the center of the stage with the dean of the faculty, and in arising began by saying that he began his professional career at a little town on the Hudson, where he had nothing to do but read law books, magazines and newspapers. The essentials of success, he stated, were to be found in honesty, secrecy, attention to detail and the keeping out of public office.

"Some years ago it was my privilege to be calling upon the late Salmon P. Chase, the Secretary of the Treasury," Mr. Depew said, "and in the course of a conversation Mr. Chase took occasion to recount his early experiences. He told of how, when he was a young man, life seemed so hopeless that he accepted a position in the department of which he was afterward the head at $1,200 a year.

"It was a big amount of money to him at the time, and he hurried to Washington, where he met an old attorney, who was a lifelong friend of his family. This friend urged him to keep out of politics so far as public office is concerned, and after years of experience Mr. Chase re-echoed the words of his predecessor with renewed fervor. The old lawyer advised him to go home and if he was only able to earn $200 during his first year to try to live on it to work and study.

"That hundred dollars coming in every month in the department will take the ambition out of you; you will lose your ability to successfully fight the battles of life and when you finally are thrown upon your own resources you will find that younger men have taken the positions in the profession that you should have occupied.

"I was in this city some years ago when there was the great upheaval in Congress and many of the old members were thrown out for the first time in years. Many of them came to me with tears in their eyes and told me that they had devoted the greater part of their lives to the interests of the people and now that they had large families to provide for they were thrown out of office and that they did not know what to do.

"Take no public office, young gentlemen, until you are independent; then if the people want you, serve them to the best of your ability. Be at the front in all educational matters. Be at the front in the church, with one of which you should connect yourself. Be at the front in all political matters, for you will find that it is better to belong to a bad political party than to no party at all. There is no harm even in being a reformer, unless you are looking for office."

The university gold medal for the best post-graduate examination was awarded to Robert Pindell; the McArthur gold medal for the best senior examination to Mr. Sidney Fuller Smith, and the faculty gold medal for the best junior examination to Mr. R. Arrillaga, of Porto Rico.

The following prizes were also awarded: The Edward Thompson Company prize for the best thesis to Blackburn Esterline; the T. and J. W. Johnson & Co. prize for the best work in mock court to Robert J. Mawhinney; the M. Murrphy prize to the student of the post-graduate class making the highest average in the entire course to Robert M. Pindell; the F. H. Thomas Law Book Company prize for the best senior examination on real property to Sidney Fuller Smith; the Rees, Welch & Co. prize for the best senior examination on evidence to Gayetano Coll Cuchi, of Porto Rico, and the Rees, Welch & Co. prize for the best junior examination on Blackstone to C. F. Brooks. The benediction was pronounced by the Rev. Henry N. Gouden.

A pleasing feature of the evening that was not on the programme, was the presentation to Eugene D. Carusi, the dean of the law faculty, of a handsome silver loving cup from the members of the senior class, in recognition of his painstaking care and consideration during their connection with the college.

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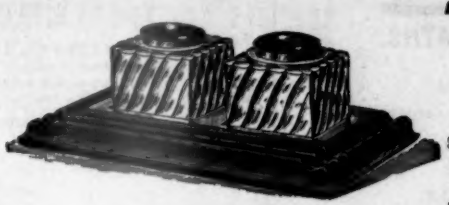

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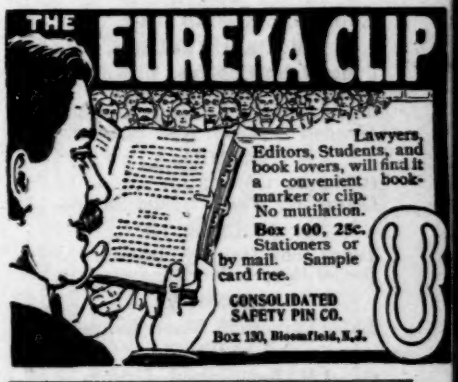

RECENT DEATHS.

ALABAMA.

Charles L. Wilkinson, Greenville.

ARIZONA.

J. A. Bradley, Tucson.

CALIFORNIA.

S. N. Reed, Bakersfield.
J. H. Rogers, Carvers.

COLORADO.

Gen. Samuel Browne, Denver.

DISTRICT OF COLUMBIA.

Justice Andrew B. Bradley, Washington.
Albert G. Ribble, Washington.

GEORGIA.

Judge E. F. Edwards, Oxford.

ILLINOIS.

Judge J. D. Crabtree, Dixon.
Charles A. Hill, Joliet
Silas H. Callender, Harvard.
Judge Alfred Sample, Bloomington.
Judge John C. Polley, Chicago.

INDIANA.

Jesse W. Burton, Washington.

IOWA.

James McCabe, Council Bluffs.
John Doud, Fort Dodge.

KANSAS.

C. W. Johnson, Hiawatha.

KENTUCKY.

Judge W. S. Bishop, Paducah.
Walter Darby, Louisville.
Judge Joseph McCarroll, Hopkinsville.
Col. Richard Wintersmith, Louisville.

LOUISIANA.

William R. Howard, New Orleans.

MAINE

Edward H. Kimball. Bath.

MASSACHUSETTS.

Judge John Hopkins, Milbury.
Samuel H Smith, Boston.
Joseph Chellis Kimball, Lowell.
Wendell H. Cobb, New Bedford.

MICHIGAN.

George R. Gold. Flint.
George H. White, Grand Rapids.

MINNESOTA.

Judge John Dunphy, Duluth.
Daniel Rohrer, Worthington.

MISSOURI.

Judge Francis M. Black, Kansas City.

NEBRASKA.

Genil M. Lambertson, Lincoln.
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Francis H Miner, Devils Lake.

OHIO.

Logan A Snook, Sandusky.
Judge Frederick E. Wood, Columbus.
Herbert L. Brice, Lima.

OREGON.

Sylvester Pennoyer, Portland.

PENNSYLVANIA.

William D. Lusk, Montrose.
Henry C. McCormick, Williamsport.
William A. Manderson, Philadelphia.
Henry Cochran, Philadelphia.
James O'Reilly, Reading.
Albert G. Greene, Reading.
Thomas M. Armstrong, Bedford.
Bradbury Bedell, Philadelphia.
Judge Cullen Nicholls, Athens.

RHODE ISLAND.

Francis W. Miner, Providence.

SOUTH DAKOTA.

Judge Frank C. Washbaugh, Deadwood.

TENNESSEE.

S. B. Williamson, Trenton.

TEXAS.

Judge Stephen P. West, Woodville.
Fred. Waltz, El Paso
Charles H. Mayfield, Cotulla.

VERMONT.

Judge Lavant M. Read, Bellows Falls.

VIRGINIA.

H. L. Woodsworth, Jonesville.
Gen. James G. Field, Charlotteville.

COMMERCIAL LAWS, TABULATED.

LIMITATIONS, JUDGMENT-NOTES, ARREST, INTEREST, USURY.

This table is intended merely for instant reference. It is manifestly impossible to present much detail regarding such matters as the usury law, arrest before trial and on a body execution, the effect of foreign judgments, etc., in so small a space. Reference should be had to the laws themselves whenever practicable.

States and Territories.	Statute of Limitation in years.			Judg't Notes.	Arrest for Debt.	Legal Rate of Int'rest	Penalty for Usury.
	Acc't.	Notes & uns'led cont'cts	Judg'ts				
Alabama	3	6 (e)	20	No.	No.	8	Forfeit interest.
Alaska	6	6 (e)	10	No.	No.‡	8 (5)	Forfeit double interest.
Arizona	3	4	5	Yes.	No.*	7 (1)	None.
Arkansas	3	5	10	No.	No.*	6 (4)	Void as to principal&interest.
California	2	4 (o)	5	..	No.*	7 (1)	None.
Colorado	6	6	10 (l)	..	No.	8 (1)	None.
Connecticut	6	6 (i)	..	No.	No.*	6 (1)	None.
Delaware	3	6 (h)	20	No.	No.*	6	Void as to principal&interest.
District Columbia	3	3 (f)	12	No.	No.††	6 (4)	Forfeit interest.
Florida	4	5 (h)	20	No.	No.	8 (4)	Forfeit interest.
Georgia	4	6 (h)	7 (p)	..	No	7 (3)	Forfeit excess of interest.
Idaho	4	5	6	..	No.‡	7 (5)	Forfeit int & 10% of principal
Illinois	5	10	20 (np	Yes.	No.*	5 (2)	Forfeit interest.
Indiana	6	10	20	No.	No.	6 (3)	Forfeit excess of interest.
Indian Territory	3	3	10	No.	No.*	6 (4)	Void as to principal & interest.
Iowa	5	10	20 (n)	No.	No.¶	6 (3)	Forfeit (8%) interest.
Kansas	3	5	5	..	No.*	6 (4)	Forfeit interest over 10%.
Kentucky	5	5	15 (v)	No.	No.**	6	Forfeit excess of interest.
Louisiana	3	5	10	..	No.†	5 (3)	Forfeit interest.
Maine	6	6 (j)	20	No.	No.**	6 (1)	None.
Maryland	3	3 (f)	12	No.	No.	6	Forfeit excess of interest.
Massachusetts	6	6 (hj)	20	No.	Yes.	6 (7)	None.
Michigan	6	6 (e)	10 (l)	No.	No.‡	5 (2)	Forfeit excess
Minnesota	6	6	10	No.	No.	6 (4)	Void as to principal&interest.
Mississippi	3	6	7	No.	No.	6 (4)	Forfeit interest
Missouri	5	10	10	No.	No.	6 (3)	Forfeit (8%) interest.
Montana	5	8	10 (k)	..	No.‡	8 (1)	None.
Nebraska	4	5	10 (p)	No.	No.††	7 (4)	Forfeit interest
Nevada	4	6	6	..	No *	7 (1)	None.
New Hampshire	6	6 (h)	20	No.	No.**	6	Forf't 3 times excess and costs
New Jersey	6	6 (g)	20	No.	No.‡§	6	Forfeit interest and costs.
New Mexico	4	6	7	..	No.	6 (5)	Forfeit excess of interest.
New York	6	6 (h)	20 (l)	No.	No.‡	6	Void as to principal &interest
North Carolina	3	3 (e)	10 (m)	..	No.‡	6	Forfeit interest.
North Dakota	6	6	10	No.	No.‡	7 (5)	Forfeit interest.
Ohio	6	15	5 (w)	Yes.	No.*	6 (3)	Forfeit excess of 6%.
Oklahoma	3	5	50 (t)	..	No.	7 (5)	Forfeit interest.
Oregon	6	6 (e)	10	No.	No.*	6 (4)	Void as to principal&interest.
Pennsylvania	6	6 (h)	20	Yes.	No.*	6	Forfeit excess of interest.
Rhode Island	6 (a)	6 (h)	20	No.	Yes.§	6 (1)	None.
South Carolina	6	6	20	No.	Yes.§	7 (3)	Forfeit interest.
South Dakota	6	6 (h)	20 (r)	No.	No.‡§	7 (5)	Forfeit interest.
Tennessee	6	6	10	Yes.	No.	6	Forfeit excess of interest.
Texas	2 (b)	4	10	No.	No.	6 (4)	Forfeit interest.
Utah	4	6	8	No.	No.**	8 (1)	None
Vermont	6	6 (y)	8 (l)	No.	No ¶¶	6	Forfeit excess of interest.
Virginia	2 (b)	5 (e)	10 (s)	No.	No.**	6	Forfeit interest.
Washington	3	6	6	No.§§	No.*	6 (5)	Forfeit interest.
West Virginia	5	10	10 (s)	No.	No.*	6	Forfeit excess of interest.
Wisconsin	6	6(hs)	20 (ir)	Yes.	No.*	6 (4)	Forfeit interest.
Wyoming	8 (u)	5 (u)	5 (u)	Yes	Yes.§	8 (5)	Forfeit interest.
DOMINION OF CANADA.							
British Columbia	6	6 (h)	10	..	No.‡	5 (1)	None.
Manitoba	6	6 (h)	20	..	No.	5 (1)	None.
New Brunswick	6	6 (h)	20	..	Yes.§	5 (10)	None.
Newfoundland	6 (h)	6 (h)	20	..	No.‡‡	6 (1)	None.
Northwest Territories	6	6 (h)	6	..	No	5	None.
Nova Scotia	6	6 (h)	20	..	No.‡	5 (10)	None.
Ontario	6	6 (h)	20	..	No.‡	5 (1)	None.
Quebec	5	5	30	..	Yes.	6 (10)	None.

LIMITATIONS.—(A) Between merchants, 20 years. (B) Between merchants, 4 years. (C) Between merchants 5 years. (D) Under seal, 8 years. (E) Under seal, 10 years. (F) Under seal, 12 years. (G) Under seal, 16 years. (H) Under seal, 20 years. (I) Under seal, or not negotiable, 17 years. (J) Witnessed, 20 years. (K) Justice, 5 years. (L) Justice, 6 years. (M) Justice, 7 years. (N) Justice, 10 years. (O) Foreign, 2 years. (P) Foreign, 5 years. (Q) Foreign, 6 years. (R) Foreign, 10 years. (S) Foreign, same as in State where rendered, but not over 10 years. (T) Foreign, 1 year. (U) On debts or judgments incurred before debtor became resident, suit must be begun within 2 years after residence is secured. (V) From date of last execution. (W) Can be revived within 21 years. (X) If against non resident, 7 years. (Y) Witnessed, 14 years. (Z) 10 years, if under seal and executed without the State.

ARREST.—*Except in cases of fraud. ¶ Except in cases of fraud and in supplementary proceedings. † Except to secure person of debtor to answer the suit. ‡ Except in cases of fraud and breach of trust. § Except females. ‖ If claim is over $50. Married woman exempt. †† Unless debtor is disposing of or secreting property when *capias ad satisfaciendum* may issue. ** Except absconding debtor. ¶¶ Except absconding debtor, but females exempt.

JUDGMENT NOTES.—§§ Not prohibited, but are not used.

INTEREST.—(1) Can contract for any rate. (2) Can contract for 7 per cent. (3) Can contract for 8 per cent. (4) Can contract for 10 per cent. (5) Can contract for 12 per cent. (6) Maker of note also forfeits 8 per cent. as penalty. (7) May contract for any rate except on sums less than $1,000, when not more than 18 per cent. may be taken. (8) Usury vitiates all security held by creditor. (9) Can contract for 7 per cent, when security is real estate or a chattel real, or 10 per cent. if security is personal property or personal responsibility. (10) Can contract for any rate except in case of banks who may not charge over 7 per cent.

Laws of Grace and Damages on Protested Bills.

States and Territories.	Is Grace Allowed.	Is Uniform Neg. Inst. Law in Force.	Damages on Protested Bills.
Alabama	Yes a	No	5 per cent. both on foreign and inland bills.
Alaska	Yes d	No	If payable without the United States, 10 per cent.; if payable without the Territory but within United States, 5 per cent.
Arizona	No	Yes	If "drawn by any merchant within the limits of this territory upon his agent or factor living beyond the limits of this territory," 10 per cent.
Arkansas	Yes a	No	Damages for non-acceptance or non-payment as follows: If payable within the State, 2 per cent.; if payable in Ala., La., Miss., Tenn., Ky., O., Ind., Ill. and Mo., or any point on the Ohio river, 4 per cent; if in any other place within U. S., 5 per cent.; if without the U. S., 10 per cent. Damages for non-payment after acceptance as follows: If drawn within the state, 2 per cent.; if drawn without the State but within U. S., 6 per cent.; if without U. S., 10 per cent.
California	No	No	If drawn upon any person in the State 2 per cent.; if without the State 5 per cent.; if in foreign country 15 per cent.
Colorado	No	Yes	10 per cent. both inland and foreign.
Connecticut	No	Yes	If drawn upon any person in New York City, 2 per cent.; if in any of the New England (except Conn.) or Middle Atlantic States or in the District of Columbia, 3 per cent.; if in N. C., S. C., O., Ill., Ind., Mich., Ky., or Ga., 5 per cent.; if elsewhere within U. S., 8 per cent.
Delaware	No	No	If drawn on any person "beyond seas," 20 per cent.
Dist. Columbia	No	Yes	
Florida	No	Yes	5 per cent. on foreign bills only.
Georgia	Yes d	No	If payable without the State and within U. S., 5 per cent.; if without U. S., 10 per cent.
Idaho	No	No	Same as California.
Illinois	No	No	Same as Georgia.
Indiana	Yes a	No	Same as Georgia.
Indian Ter	Yes b	No	Same as Arkansas.
Iowa	No b	Yes	If payable without U. S., 5 per cent.; if within U. S. and not in this State, 3 per cent.
Kansas	Yes c	No	6 per cent. if payable without State; none if drawn on parties within the State.
Kentucky	Yes b	No	No damages except on bills drawn upon persons without U. S., and not longer than 18 months, when 10 per cent. is allowed.
Louisiana	Yes c	No	Same as Georgia.
Maine	No b	No	If payable at a place 75 miles distant, 1 per cent.; if payable in N. Y. State or any State other than Maine, north of N. Y., 3 per cent; if south of N. Y. and north of Florida, 6 per cent.; in any other State, 9 per cent.
Maryland	No	Yes	If payable without the State and within U. S., 3 per cent.; if without U. S., 15 per cent.
Massachusetts	No b	Yes	If bill is for $100, and payable in Mass., at a place 75 miles distant, 1 per cent.; if payable in Me., N. H., Vt., R. I., Conn., or N. Y., 2 per cent.; if in N. J., Pa., Del., Md., 3 per cent., if in Va., W. Va., N. C., S. C., Ga., or D. C., 4 per cent.; if any other State, or in foreign country, 5 per cent.
Michigan	Yes b	No	If payable in Wis., Ill., Ind., Pa., O., N. Y., 3 per cent.; if Mo., Ky., Me., N. H., Vt., Mass., R. I., Conn., N. J., Del., Md., Va., and D. C., 5 per cent.; if in any other State or Territory, 10 per cent. If payable without U. S. 5%.
Minnesota	Yes b	No	Same as Georgia.
Mississippi	Yes a	No	Same as Georgia.
Missouri	Yes c	No	If payable within the State, 4 per cent.; if without State and within U. S. 10 per cent.; if without U. S., 20 per cent.
Montana	No	No	If drawn upon any person in State, 2 per cent.; if in U. S., 5 per cent.; if outside of U. S., but in North America, or Europe, 10 per cent.; if elsewhere, 15 per cent.
Nebraska	Yes	No	6 per cent. if drawn on person within U. S., and without the State; 12 per cent. if without U. S.
Nevada	Yes c	No	If drawn upon any person in any State east of Rocky Mountains, 15 per cent.; if without the U. S. 20 per cent.
New Hampshire	No.	No	
New Jersey	No	Yes	
New Mexico	Yes a	No	If drawn upon a person at a place within U. S., 6 per cent.; if without, 12 per cent.
New York	No	Yes	
North Carolina	No	Yes	When drawn upon any person in any other State of the U. S., 3 per cent.; when in any other country of North America (except N. W. Coast) or any of West India or Bahama Islands, 10 per cent.; when in Europe or South America, 15 per cent.; in any other place, 20 per cent.
North Dakota	No	Yes	If drawn upon any person in the State, 2 per cent., if in Neb., Ia., Minn., S. Dak., Wis., Ill., Mo., and Mont., 3 per cent.; if in any other State, 5 per cent.; if in foreign country, 10 per cent.
Ohio	No	Yes	
Oklahoma	Yes a	No	Same as North Dakota.
Oregon	No	Yes	Same as Georgia.
Pennsylvania	No	Yes	If drawn upon any place in the U. S. except Cal., New Mexico, Ore., 5 per cent.; if upon the latter, or any place on the North American Continent, Europe, or the east coast of South America, 10 per cent.; if upon west coast of South America, 15 per cent.; if in Asia or Africa, 20 per cent.
Rhode Island	No	Yes	Same as Georgia.
South Carolina	Yes b	No	If drawn on person within U. S. and without State, 10 per cent.; if within any part of North America and West Indies, 12½ per cent.; elsewhere, 15 per cent.
South Dakota	Yes a	No	Same as North Dakota.
Tennessee	No	Yes	If drawn upon person in U. S., except in this State, 3 per cent.; if in North America or the West Indies, or bordering on Gulf of Mexico, 15 per cent.; elsewhere, 20 per cent.
Texas	Yes b	No	Same as Arizona.
Utah	No	Yes	
Vermont	No	No	
Virginia	No	Yes	Same as Iowa.
Washington	No	Yes	Same as Georgia.
West Virginia	No	No	If payable without the State and within the U. S., 3 per cent.; if without the U. S., 10 per cent.
Wisconsin	No	Yes	5 per cent. when payable without the State. Same rate for U. S. and foreign countries.
Wyoming	No b	No	

a On both sight and demand. b Are allowed on sight c Are allowed on demand. d Neither on sight nor demand.

OF INTEREST TO CORPORATIONS.

In many States of the Union laws have been enacted prescribing certain duties to be performed by foreign corporations which contemplate doing business in such States, and affixing certain penalties for non-compliance, and, in some instances, going so far as to prohibit by judicial proceedings the enforcement of contracts entered into by such corporations that fail to comply with the spirit of the law.

Under these circumstances it is apparent that corporations, intending to do business outside of their respective States, should have some trustworthy method by which they can learn what requirements foreign States demand of them before they can legally operate their business in such States.

With that end in view THE AMERICAN LAWYER here appends a list of attorneys who are reliable men, and who will attend to the business of filing papers and give necessary advice as to all details made essential by the statutes of the States in which the affairs of the corporation are to be operated.

Where it is required of such corporations to open an office in the foreign State, arrangements can be made with the attorneys in such States to utilise their office by designating it your office of business in such State, or some members of the law firm may be named upon whom process may be served.

Persons coming within the meaning of such laws can make arrangements with such attorney or attorneys for an annual fee for their services, which ought not to be less than $10, nor more than $25 per annum.

The neglect to attend to these matters may deprive such persons or corporations of the right to do business in some desirable State or territory, or prevent them from bringing suit in some important matter.

These attorneys, whose names and addresses are here given, will advise you as to all requirements of the provisions of law pertaining to corporations that sell their products in such State by means of traveling salesmen, or operating any business while having no branch office, or factory, or other business office coming within the purport of the statutes of such States.

Alabama—Gunter & Gunter, Moore Bldg, Montgomery

Arizona—**E. W. LEWIS**, 407-409 Fleming Block, Phoenix.

Arkansas—**P. C. FISHER**, 600 Garrison ave., Fort Smith.

California—

Colorado—Robinson & Grant, Equitable Bldg., Denver

Connecticut—Chas. Kleiner, 309-310 Exchange Bldg New Haven.

Delaware—

Florida—William Fisher, 204½ South Palafox st. Pensacola.

Georgia—**RICHARD K. HINES**, 24 Washington Block, Macon.

Idaho—

Illinois—

Indiana—Morris, Newberger & Curtis, Commercial Building, Indianapolis.

Iowa—

Kansas—

Kentucky—Pirtle & Trabue, Columbia Bldg, Louisville.

Louisiana—

Maine—**WILLIAMSON & BURLEIGH**, Granite Bank Bldg., Augusta.

Maryland—**HODSON & HODSON**, 6 Lexington street East, Baltimore.

Massachusetts—

Michigan—

Minnesota—Fifield, Fletcher & Fifield, 920-930 Lumber Exchange, Minneapolis.

Mississippi—

Missouri—Ames & Jones, American Bank Bldg Kansas City.

Montana—

Nebraska—

New Jersey—**THOMAS P. FAY**, Long Branch.

New Mexico—**HUGO SEABERG**, Springer.

New York—**THE COUNSELORS BUREAU**, 52 William street, New York.

New York—

North Carolina—

North Dakota—Tracy R. Bangs, Grand Forks.

Ohio—William T. McClure, King Bldg, Columbus

Oregon—**PIPES & TIFFT**, 708-711 Chamber of Commerce, Portland.

Pennsylvania—Frank E. Boyle, Burr Bldg, Scranton

Rhode Island—

South Carolina—

South Dakota—

Tennessee—

Texas—

Utah—

Vermont—Dillingham, Huse & Howland, Montpelier.

Virginia—

Washington—

West Virginia—**MERRICK & SMITH**, Parkersburg.

Wisconsin—**BLOODGOOD, KEMPER & BLOODGOOD**, 39-46 Mitchell Bldg., Milwaukee.

Wyoming—**FISHBACK & WILLIAMS**, Rawlins.

LIST OF ATTORNEYS

IN UNITED STATES, CANADA & EUROPE.

(REVISED MONTHLY.)

The Attorneys named in this list have been recommended by banks, bankers, or other equally reliable parties, as lawyers of integrity and tested ability. We believe that every one of them is worthy of the endorsement which we give by the placing of their names herein. If, however, there is known to our subscribers, at any time, anything which reflects discreditably upon any one thus endorsed, we will appreciate full information of the facts, and if our thorough investigation shows that the complaints are well founded, the list will be purged accordingly. *All such complaints will be treated as confidential.* When sending business to attorneys and firms reported always mention THE AMERICAN LAWYER. Counties are named in parenthesis (), and county seats are indicated by a *

☞ **Representation in this list will be given accredited attorneys on favorable terms.**

ALABAMA.

Athens* (Limestone)..... W. R. Walker
Bessemer (Jefferson)..... J. A. Estes

Birmingham* (Jefferson)..... **HENRY KIRK WHITE**
General practice in law, chancery and federal courts. Thirteen years' experience at Birmingham bar. Stenographer and notary in office. Depositions taken. Special facilities for collections in North Alabama. Refers to Supreme Court of Alabama, Montgomery; U. S. Circuit Judge David D. Shelby, Huntsville, Ala.

Carbon Hill (Walker)..... Send to Jasper
Columbia (Henry)..... B. F. Reid
Cordova (Walker)..... Send to Jasper
Dadeville* (Tallapoosa)..... H. A. Garrett
Decatur (Morgan)..... John R. Eyster
Fayette* Fayette)..... James J. Ray
Florence* (Lauderdale)..... John T. Ashcraft
Gadsden* (Etowah)..... S. W. Johnston
Greensboro* (Hale)..... Thos. Seay
Horse Creek (Walker)..... Send to Jasper
Huntsville* (Madison)..... Lawrence Cooper
Refers to First Nat. B'k and W. R. Rison & Co., b'kers.
Jasper* Walker..... V. H. Morris
Livingston* (Sumter)..... Reubes Chapman
Mobile* (Mobile)..... Vaughan & Gaillard
65 St. Francis street.

Montgomery* (Montgomery)..... Fred. S. Ball
New Decatur (Morgan)..... Send to Decatur
Oakman (Walker)..... Send to Jasper
Opelika* (Lee)..... Barnes & Duke
Patton Junction (Walker)..... Send to Jasper
Selma* (Dallas)..... Pettus, Jeffries & Partridge
Talladega* (Talladega)..... Edwards & Sims
Tuscaloosa* (Tuscaloosa)..... Foster, Jones & Rather
Tuscumbia* (Colbert)..... Kirk & Almon
Tuskegee* (Macon)..... Charles W. Hare
Uniontown* (Perry)..... A. C. Davidson, Jr.

ALASKA.

Juneau..... Malony & Foote

ARIZONA.

Mesa City (Maricopa)..... Geo. W. Woy

Phoenix* (Maricopa)..... **E. W. LEWIS**
407-409 Fleming Block. Refers to Phoenix National Bank.

Prescott* (Yavapai)..... Robert E. Morrison
Tombstone* (Cochise)..... James Reilly
Tempe (Maricopa)..... Send to Phoenix
Tucson* (Pima)..... Barnes & Martin
Yuma* (Yuma)..... Peter T. Robertson
Refers to Hon. F. M. Doan, Judge Second Judicial District, Florence.

ARKANSAS.

Argenta (Pulaski)..... **WM J. DUVAL**
Refers to Faucette Bros., Bankers.

Arkansas City* (Desha)..... Henry Thane
Bentonville* (Benton)..... W. D. Manck
Brinkley (Monroe)..... C. F. Greenlee
Clarksville* (Johnson)..... J. E. Cravens
Corning* (Clay)..... D. Hopson
Des Arc* (Prairie)..... F. E. Brown
Eldorado* (Union)..... Jesse B. Moore
Fayetteville* (Washington)..... L. W. Gregg
Fort Smith* (Sebastian)..... A. A. McDonald
Greenwood* (Sebastian)..... T. B. Pryor

Hamburg* (Ashley)..... George & Butler
Refer to Ashley County Bank.

Heber* (Cleburne)..... Send to Searcy, Ark.
Helena* (Phillips)..... Jas. C. Tappan
Hot Springs* (Garland)..... C. Floyd Huff
Little Rock* (Pulaski)..... Pugh & Wiley
Lonoke* (Lonoke)..... Geo. Sibly
Magnolia* (Columbia)..... A. S. Kilgore
Mena (Polk)..... Glitsch & Alley
Ozark* (Franklin)..... J. B. Moore
Paragould* (Greene)..... Jason Light
Refers to Bank of Paragould.

M. P. Huddleston. Refers to Bank of Paragould.

Perryville* (Perry)..... Jas. A. Vance
Pine Bluff (Jefferson)..... Crawford & Hudson
Russellville* (Pope)..... Davis & Son
Searcy* (White)..... Stricklin & Martin

Texarkana* (Miller)..... James F. Black
Refers to Hempstead County Bank at Hope, Ark.
Van Buren* (Crawford)..... E. B. Peirce
Walnut Ridge* (Lawrence)..... W. E. Baloun

CALIFORNIA.

Alameda (Alameda)..... G. E. Colwell
Colton (San Bernardino)..... Thomas D. Hamilton
Colusa* (Colusa)..... W. M. Harrington
Eureka* (Humboldt)..... W. L. Duff
Fresno* (Fresno)..... A. M. Drew
Healdsburg (Sonoma)..... Moreland & Norton

Los Angeles* (Los Angeles)

FRED. E. BURLEW. Refers to Central Bank and Broadway Bank & Trust Co., Los Angeles.

WORKS, LEE & WORKS, 420 to 425 Henne Bldg. (John D. Works, late Associate Justice Supreme Court of California. Bradner W. Lee.) Attorneys for National Bank of California, San Diego Land & Town Co., San Diego Water Co., Consolidated Water Co., &c.

Modesto* (Stanislaus)..... P. J. Hasen
Oakland* (Alameda)..... John R. Glascock
Pasadena (Los Angeles)..... Jas. McLachlan
Petaluma (Sonoma)..... W. B. Haskell
Pomona (Los Angeles)..... J. A. Gallup
Redding (Shasta)..... Watson & Bush
Riverside* (Riverside)..... James Mills
Sacramento* (Sacramento)..... Robt. T. Devlin
San Bernardino* (San Bernardino)..... F. W. Gregg

SAN FRANCISCO* (San Francisco)..... Fox & Gray
San Diego* (San Diego)..... Mills & Hizar
San Jose* (Santa Clara)..... J. S. McGinnis
San Luis Obispo* (San Luis Obispo)..... R. R. V. Bouldin
Santa Ana* (Orange)..... Ray Billingsley
Santa Barbara* (Santa Barbara)..... H. G. Crane
Santa Cruz* (Santa Cruz)..... E. L. Williams
Santa Rosa* (Sonoma)..... John T. Campbell
Stockton* (San Joaquin)..... R. W. Dodge
Tulare (Tulare)..... Davis & Allen
Watsonville (Santa Cruz)..... Holbrook & Maher
Refer to the Bank of Watsonville.

Woodland* (Yolo)..... A. M. De Hart

COLORADO.

Amethyst (Mineral)..... Albert L. Moses
Aspen* (Pitkin)..... H. C. Rogers
Colorado Springs* (El Paso)..... **LUCIUS H. ROUSE**
Notary public. Refers to Exchange Nat'l Bank of Colorado Springs.

Cripple Creek (El Paso)..... .....
R. A. SIDEBOTHAM. Refers to First National Bank and Bi-metallic Bank, Cripple Creek.

Delta* (Delta)..... Millard Fairlamb
Denver* (Arapahoe)..... **SAMUEL S. LARGE**
Refers to Western Bank and International Trust Company.

Durango* (La Plata)..... Reese McCloskey
Eldora (Boulder)..... Job P. Lyons
Florence (Fremont Co.)..... Jas. P. H. Calahan
Refers to First National Bank.

Grand Junction* (Mesa)..... Samuel G. McMullin
Greeley* (Weld)..... A. C. Patten
Gunnison* (Gunnison)..... D. T. Sapp
Lake City* (Hinsdale)..... G. D. Bardwell
Leadville* (Lake)..... William H. Nash
Montrose* (Montrose)..... Black & Catlin
Mosca (Castilla)..... H. C. Hitchcock
Ouray* (Ouray)..... Story & Story
Pueblo* (Pueblo)..... Chas. B. Phillips
Telluride* (San Miguel)..... L. C. Kinikin
Trinidad* (Las Animas)..... W. B. Morgan

CONNECTICUT.

Ansonia (New Haven)..... Frederick W. Holden

Bridgeport (Fairfield.)

CLITUS H. KING, Beer's Block. Send me your Bridgeport collections. All business under my personal supervision. Refer to Connecticut National Bank, Vincent Bros., Wholesalers. T. L. Watson & Co., Bankers.

Danbury* (Fairfield)..... Tweedy, Scott & Whittlesey

Derby (New Haven)..... **ANDREW J. EWEN**
Collections, commercial and corporation law. Practice in all courts. Refers to Birmingham National Bank.

East Haddam (Middlesex)..... E. Emory Johnson
Greenwich (Fairfield)..... F. A. Hubbard

Hartford* (Hartford)..... **SIDNEY E. CLARKE**
United States and State Courts: Local attorney for foreign corporations. Refer to Conn. Trust & Safe Deposit Co. and others.

Meriden (New Haven)..... **CORNELIUS J. DANAHER**
4 Wilcox Block. Practice in all courts. Collections a specialty. Refers to Home National Bank.

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Iowa Falls (Hardin)....Funk & Hutchinson
Jefferson* (Greene)....T. A. Mugan
Keokuk* (Lee)....W. D. Patterson
Knoxville* (Marion)....S. C. Johnson
Lake City (Calhoun)....Hutchinson & Jacobs
La Porte City (Blackhawk)....P. L. Hayslett
Lehigh (Webster)....Send to Fort Dodge
Le Mars* (Plymouth)....E. I. **BEDELL**
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Livermore (Humboldt)....Send to Bode
Lockridge (Jefferson)....Send to Fairfield
Logan* (Harrison)....L. R. Bolter & Sons
Lohrville (Calhoun)....Send to Jefferson
Lorimor (Union)....Send to Creston
Lyons (Clinton)....F. T. Holleran
Madrid (Boone)....Walter Canaday
Mallard (Palo Alto)....Send to Emmetsburg
Malvern (Mills)....D. E. Whitfield
Manchester* (Delaware)....Fred. B. Blair
Manilla (Crawford)....Thos. W. Bittle
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Marshalltown* (Marshall)....
....Beardman, Aldrich & Lawrence
Mason City* (Cerro Gordo)....F. A. Kirschman
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Mount Ayr* (Ringgold)....E. C. McMasters
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Muscatine* (Muscatine)....Thomas Brown
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Ocheyedan (Osceola)....B. F. Barnett
Oelwein (Fayette)....W. B. Ingersoll
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Orange City* (Sioux)....Orr & Te Paske
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Paton (Greene)....Send to Jefferson
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Rolfe (Pocahontas)....C. C. Delle
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Sanborn (O'Brien)....J. A. Willcox
Schaller (Sac)....A. F. Searle
Scranton (Greene)....Send to Jefferson
Shannon City (Union)....Send to Creston
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Tama (Tama)....W. S. Gallagher
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Traer (Tama)....Endicott & Pratt
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Wallingford (Emmet)....Send to Estherville
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West Bend (Palo Alto)....J. P. Becker
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Council Grove* (Morris)..... Geo. P. Morehouse
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Brunswick (Cumberland)..... Clarence E. Sawyer
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Pittston (Kennebec)..... Send to Gardiner
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Rockland* (Knox)..... Edward B. MacAllister
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Flint* (Genesee).....Edward S. Lee
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Commercial and corporation law. Act as agent for corporations and individuals in the management of financial affairs. Notary public and typewriter in office. References: First National Bank, Shawnee National Bank and Oklahoma National Bank, Shawnee, Okla.; Citizens' Bank, Lawton; Karnes, New, Hall & Krauthoff, Kansas City, Mo.

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References: Planters' National Bank, American National Bank, Southern Trust Co., M. Hesseberg, Frictionless Meter Co. and Slater, Myers & Co.